

ETHICS, CODE OF

Chapter 10

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Editor's Note: Former Ch. 10, Deputy Township Clerk, adopted 1-24- 77 as Ord. No. 1977-1, was repealed 2-4-80 by Ord. No. 1980-2.

§ 10-20. Awarding of public contracts.

§ 10-21. Competitive negotiations for professional services contracts.

[HISTORY: Adopted by the Township Committee of the Township of Barnegat 7-7-80 as Ord. No. 1980-23. Amendments noted where applicable.]

Be it ordained by the Township Committee of the Township of Barnegat, in the County of Ocean and State of New Jersey:

§ 10-1. Definitions.

As used in this ordinance, the following terms shall have the meanings indicated:

CONFIDENTIAL INFORMATION:

A. Defined in accordance with the exceptions contained in P.L. 1975, c.231,² commonly referred to as the Sunshine Law, and means as follows:

- (1) Matters rendered confidential by federal law or that, if publicly disclosed, would impair the receipt of federal funds.
- (2) Matters rendered confidential by state statute or court rule.
- (3) Material that would constitute an unwarranted invasion of individual privacy if disclosed.
- (4) The terms and conditions of an existing or proposed collective bargaining agreement, including negotiation positions.
- (5) Matters related to the purchase, lease or acquisition of real property with public funds.

²Editor's Note: See N.J.S.A. 10:4-6 et seq.

- (6) Matters related to the setting of banking rates or the investing of public funds, provided that public disclosure could adversely affect the public interest.
- (7) Tactics and techniques utilized in protecting the safety and property of the public, provided that public disclosure could impair such protection.
- (8) Investigations of violations or possible violations to the law.
- (9) Pending or anticipated litigation or contract negotiations in which the township or any board, commission, agency or other body of the township may become a party.

- (10) Matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (11) Personnel matters concerning the employment of a current or prospective township official or employee.
- (12) Quasi-judicial deliberations occurring after a public hearing that may result in the imposition of a civil penalty or the suspension or loss of a license or permit.

B. In the event the Sunshine Law is hereafter amended with respect to the definitions of "confidential information," said amendments shall be incorporated by reference as though fully set forth herein.

INTEREST — A pecuniary or material benefit accruing to a township official or employee, unless the context otherwise requires.

PRIVATE EMPLOYMENT — Employment other than by a governmental unit or body.

TOWNSHIP OFFICIAL OR EMPLOYEE — Any elected official, appointee or employee, whether paid or unpaid, including members of any board, commission, agency or other body of the Township of Barnegat.

§ 10-2. Standards of conduct.

- A. No township official or employee shall directly or indirectly solicit any gift or accept or receive any gift, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him in the performance of his official duties or was intended as a reward for any official action on his part.

- B. Confidential information.** No township official or employee shall disclose confidential information acquired by him in the course of his official duties or use such information to further his personal interests.
- C. Representation before township agencies.** No township official or employee shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any township board, commission, agency or other body of which he is an official member or employee or any township board, commission, agency or other body over which he has jurisdiction or over which he has budgetary control or to which he has the power to appoint any official member or employee. The term "budgetary control" shall not be construed to prohibit a public official or employee who is a member of the bar and licensed to practice law in the State of New Jersey from appearing before any court of competent jurisdiction recognized by this state.
- D. Disclosure of interest in official actions of the Barnegat Township Committee.** To the extent that he knows thereof, any township official or employee who participates in the discussion or gives official opinion of the Barnegat Township Committee on any motion, resolution or ordinance before the Committee shall publicly disclose on the official record the nature or extent of any former and present direct or indirect financial or other private interest he has in such official action.
- E. Private employment.** No township official or employee shall engage in, solicit, negotiate for or promise to accept private employment or render services or private interest when such employment or service creates a substantial conflict with or substantially impairs the proper discharge of his duties. No township official or employee shall use township office facilities or supplies other than in the proper discharge of his official duties.
- F. Future employment.** No township official or employee shall, after the termination of service or employment,

appear before any board, commission, agency or other body or agency of the Township of Barnegat in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 10-3. Creation of Board of Ethics.

There is hereby established and created a Township Board of Ethics which shall consist of five (5) members to be appointed by the Township Committee. Each member shall be a resident of the township, and two (2) members shall be township officials and/or township employees, and three (3) members shall be residents of the township who are not township officials or employees and who hold no office, position or employment in state, county or municipal government. The Township Committee shall designate one (1) member to be Chairman.

§ 10-4. Compensation of members of Board of Ethics.

The members of the Township Board of Ethics shall serve without compensation but shall be entitled to reimbursement for expenses actually and necessarily incurred in the performance of their duties.

§ 10-5. Terms of members of Board of Ethics.

The members of the Board shall serve for terms of three (3) years, except that, of the first members appointed to the Board, two (2) shall serve for terms of three (3) years, two (2) shall serve for terms of two (2) years, and one (1) shall serve for a term of one (1) year.

§ 10-6. Replacement of vacancies on Board of Ethics.

Vacancies on the Township Board of Ethics shall be filled in the same manner as the original appointment was made, but for the unexpired term only.

§ 10-7. Appointment of legal advisor to render opinions.

The Township Committee shall appoint a legal advisor to the Board of Ethics. He shall, upon request, advise the Board of Ethics in the rendering of advisory opinions by said Board and in the recommendations of revisions in these rules or in legislation relating to the conduct of township officials and employees.

§ 10-8. Employment of other assistance.

The Board may, within the limit of funds appropriated or otherwise made available to it for the purpose, employ such other professional, technical, clerical or other assistance, except legal counsel, and incur such expenses as may be necessary for the performance of its duties.

§ 10-9. Advisory opinions.

The Board is authorized to render advisory opinions as to whether a given set of facts and circumstances would, in its opinion, constitute a violation of the provisions of these rules. The Board shall file its advisory opinions with the Municipal Clerk but may delete the name of the township official or employee involved.

§ 10-10. Action prohibited on matters pending in court.

The Board shall not render an advisory opinion nor issue any ruling or decision upon any matter actually pending in any court of law in this state.

§ 10-11. Handling of complaints.

The Board is authorized to initiate, receive, hear and review complaints regarding violations by a township official or employee of the provisions of these rules. The findings of the Board of Ethics shall be made in the form of a recommendation to the officer, agency, board, commission or other body having the power of removal or discipline.

§ 10-12. Initial review of complaints.

Upon the receipt of a complaint, the Board shall initially review said complaint to determine whether the allegations merit a possible violation of the township's Ethics Code.' In the event it is determined that said complaint is without substance, said Board shall submit its findings and conclusions to the Township Clerk for filing. If it appears that a possible violation exists, then the matter shall continue as is hereinafter set forth.

§ 10-13. Notice of complaint; scheduling of hearing.

Upon the Board's initiation or initial review of a complaint alleging a violation of these rules, written notice of same shall be sent to the township official or employee involved. Said official or employee may serve a written request for a hearing before the Board of Ethics upon any Board member within twenty (20) days after the date of receipt of said notice. Upon receipt of such a request, the Board shall issue an order or directive fixing the date, time and place at which the hearing shall take place and shall give at least five (5) business days' notice to the employee or official and involved parties thereto by serving copies of such order or directive upon them personally or by regular mail or by *giving* such other notice as may be agreed upon and requested by all of the parties.

§ 10-14. Conduct of hearings.

In order that all parties may be afforded a fair and equal opportunity to be heard and the Board may be completely informed in the matter and able to render a proper determination based on all the facts and applicable laws and rules, all hearings shall be conducted in an informal manner, without reference to any formal rules of procedure, but subject to the following principles:

- A. Hearings not required by law to be opened to the public may be held open or closed to the public, as the Board may determine.

Edltor's Note: This chapter.

- B. The Board may, in its discretion and with the consent of the individual being reviewed, clear the hearing room of all persons, including witnesses not under examination or testifying. When the evidence pertains to scandalous or indecent conduct on any person or is such that its public disclosure would not be in the best public interest and might do irreparable harm to any person or persons not a party to the hearing, the Board may exclude all persons not having a direct interest in the matter being heard.
- C. The Board shall admit all testimony having reasonable, probative value but shall exclude immaterial, irrelevant or unduly cumulative testimony.
- D. The official or employee shall have the right to present his case in person or be represented by legal counsel. He may cross-examine witnesses or other participants in the hearing and present any affidavits, exhibits or other evidence which the Board considers pertinent to the hearing.
- E. The official or employee shall not be required to testify, but if he does testify voluntarily, he may be cross-examined upon any matter relevant to the hearing. [Amended 8-18-80 by Ord. No. 1980-31]
- F. The hearing proceedings shall be recorded by a certified shorthand reporter or by a stenographer, who shall be duly sworn by the Board to make an accurate stenographic recording of the proceedings, or by a sound-recording device to be operated under the supervision and direction of the Board.

§ 10-15. Violations of code.

Violations of any of the provisions contained herein shall be cause for removal, suspension, demotion or other disciplinary action by the officer, agency, board, commission or other body having the power of removal or discipline. No action for removal or discipline shall be taken under this section except upon the recommendation of the Township Board of Ethics.

§ 10-16. Exception for personal actions.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former township official or employee of any claim, account, demand or suit against the Township of Barnegat or any agency, board, commission or other body thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 10-17. Distribution.

The Municipal Clerk of the Township of Barnegat shall cause a copy of this ordinance to be distributed to every official and employee of the Township of Barnegat within thirty (30) days after the effective date of this ordinance. Each official or employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment.

§ 10-18. Use of government buildings and equipment for political fundraising. (Added 2-22-05 by Ord. No. 2005-02]**A Definitions.**

CANDIDATE — (1) any individual seeking election to a public office of the federal, state, county, or municipal government, or school district or political party, and (2) any individual who shall have been elected or failed of election to any such office.

MUNICIPAL OFFICIAL, EMPLOYEE AND APPOINTEE — Any person holding elective municipal office or holding an appointed position in the municipal government, or in any agency, commission, board, or officer thereof, whether the position is full time or part time, compensated or uncompensated; and any employee of municipal government or of any municipal agency, commission, board, or office thereof, whether the position is full time or part time.

MUNICIPALITY — The government of the Township of Barnegat, including any officer, department, board, commission, or agency, thereof.

POLITICAL CONTRIBUTION — Any loans and transfers of money or other things of value to any candidate, elected official, or representative of any political organization, or other commitments or assumptions of liability to make any such transfer. Political contributions shall be deemed to have been made upon the date when such commitment is made or liability assumed.

POLITICAL ORGANIZATION — Any two (2) or more persons acting jointly, or any corporation, partnership or other incorporated or unincorporated association which is organized to, or does, aid or promote the nomination, election or defeat of any candidate or candidates for federal, state, county, municipal or school board office or political party office. "Political organization" includes, but is not limited to, organizations defined in N.J.S.A 19:44A-3 as a "political committee," "joint candidates committee," "continuing political committee," "political party committee," "candidate committee," or "legislative leadership committee."

PUBLIC PROPERTY — All real or personal property owned, leased, or controlled by the Township of Barnegat.

SOLICIT — To ask for, by oral or written communication, a contribution as defined herein.

B. General regulations.

- (1) Prohibitions against soliciting or accepting political contribution in rooms or buildings occupied in the discharge of public duties. No municipal official, employee or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected

official or political organization while in any township room or building occupied in the discharge of official municipal business. This subsection shall include solicitation or acceptance of political contributions made over a private cell phone or by use of a private computer, if the person soliciting or accepting the political contribution or using the cell phone or computer for purposes of soliciting or accepting the political contribution, is in any township room or building occupied in the discharge of official municipal business.

- (2) **Prohibition against use of public property for political fundraising.** No municipal official, employee, or appointee may solicit, commit to pay, or receive payment of or a commitment to pay any political contribution for any candidate, elected official or political organization, while utilizing public property.
- (3) **Exception.** In the event township public facilities are made available to any group for nongovernmental use, this prohibition shall not be deemed to prevent fund-raising of any sort among members of such groups during the time such groups have reserved exclusive use of the township facility.
- (4) **Violation.** Violation of any provision of this section shall be punished by a fine not exceeding one thousand two hundred fifty dollars (\$1,250.).

§ 10-19. Disclosure in land use applications. [Added 2-22-05 by Ord. No. 2005-04]

A. Definitions.

APPLICATION CHECK-LIST — The list of submission requirements adopted by ordinance and provided by the municipal agency to a developer pursuant to N.J.S.A. 40:55D-10.3.

CONTRIBUTION — Every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

CONTRIBUTION DISCLOSURE STATEMENT — A list specifying, the amount, date, and the recipient of any and all contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, this municipality, made up to one (1) year prior to filing the variance application and/or during the pendency of the application process, and required to be report pursuant to N.J.S.A. 19:44A-1 et seq.

DEVELOPER — A developer as defined by N.J.S.A. 40:55D-4; i.e., the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.

PROFESSIONAL — Any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any

individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.

B. General provisions.

(1) Disclosure requirements.

- (a) Any applicant for a variance pursuant to N.J.S.A. 40:55D-70(d), or a variance pursuant to N.J.S.A. 40:55D70c in conjunction with any application for a subdivision not considered a minor subdivision pursuant to local ordinance, or a site plan not considered a minor site plan pursuant to local ordinance, as well as any application for a subdivision not considered a minor subdivision pursuant to local ordinance, or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51, shall, for applications made after the effective date of this section, include in the application, contribution disclosure statements for all developers, all associates of said developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2, and all professionals who apply for or provide testimony, plans, or reports in support of said variance and who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner of the property which is subject of the variance application falls in any of the categories established in the preceding

sentence, the applicant shall include in the application a contribution disclosure statement for said owner.

- (b) During the pendency of the application process for applications made after the effective date of this section, until final site plan approval is granted, any applicant required to comply with this section shall amend its contribution disclosure statements to include continuing disclosure of all contributions within the scope of disclosure requirement of the above paragraph.

(2) Inclusion of contribution disclosure statements as an element of the application checklist.

- {a) An Application Checklist is hereby adopted pursuant to N.J.S.A. 40:55D-10.3 to require that the contribution disclosure statements specified in Subsection B(1) of this section shall be submitted by the applicant for all applications for variance relief pursuant to N.J.S.A. 40:55D-70d as well as for relief pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance.
- (b) The Municipal Planning Board and Board of Adjustment shall amend its Application Checklist for variances pursuant to N.J.S.A. 40:55D-70(d) as well as for relief pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance to include the contribution disclosure statements specified in Subsection B(1) of this section.

- (c) An application shall not be deemed complete by the administrative official or accepted for public hearing by the Municipal Agency until the required contribution disclosure statements are submitted.
- (3) Availability of the disclosure statement. All contribution disclosure statements shall be available in the office of the administrative officer for review by any member of the public.
- (4) Intent of the disclosure statement. It is the intent of this section that the disclosure statement shall serve to inform the public and not serve as evidence relevant to the decision criteria for variance applications pursuant to N.J.S.A. 40:55D-70(d) as well as for relief pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance.

§ 10-20. Award of public contracts. [Added 2-22-05 by Ord. No. 2005-05]

A. Prohibition on awarding public contracts to certain contributors.

- (1) Any other provision of law to the contrary notwithstanding, the municipality or any of its purchasing agents or agencies or those of its independent authorities, as applicable, shall not enter into an agreement or otherwise contract to procure services, including banking services/relationships or insurance coverage services, from any professional business entity, if that entity made any contribution of money, or pledge of a contribution, including in-kind contributions, to a campaign committee of any Barnegat Township candidate or holder of the public office having

ultimate responsibility for the award of the contract, or to any political action committee (PAC) that is organized for the sole purpose of promoting or supporting Barnegat Township municipal candidates or municipal officeholders in excess of the thresholds specified in Subsection A(4) within one (1) calendar year immediately preceding the date of the contract or agreement.

- (2) No professional business entity which enters into negotiations for, or agrees to, any contract or agreement with the municipality or any department or agency thereof or of its independent authorities for the rendition of professional, banking or insurance coverage services or any other no-bid consultants shall knowingly make any contribution of money, or pledge of a contribution, including in-kind contributions, to any Barnegat Township candidate or holder of the public office having ultimate responsibility for the award of the contract, or to any PAC that is organized for the sole purpose of promoting or supporting Barnegat Township municipal candidates or municipal officeholders between the time of first communications between that business entity and the township regarding a specific professional services agreement and the later of the termination of negotiations or the completion of the contract or agreement, except as provided in Subsection A(4) hereof.
- (3) For purposes of this section, a "professional business entity" seeking a public contract means an individual including the individual's spouse, if any, and any child living at home, person, firm, corporation, professional corporation, partnership, organization, or association. The definition of a business entity includes all principals who own ten percent (10%) or more of the equity in the corporation or business trust, partners, and officers

in the aggregate employed by the entity as well as any subsidiaries directly controlled by the business entity.

- (4) Any individual meeting the definition of "professional business entity" under this section may annually contribute a maximum of four hundred dollars (\$400.) each to any candidate, for Mayor or Committee, or five hundred dollars (\$500.) to a PAC referenced in this section, without violating paragraphs (1) or (2) of this subsection. However, any group of individuals meeting the definition of "professional business entity" under this section, including such principals, partners, and officers of the entity in the aggregate, may not annually contribute for any purpose in excess of two thousand five hundred dollars (\$2,500.) to all Barnegat Township candidates and officeholders with ultimate responsibility for the award of the contract, and all PAC's referenced in this section, without violating paragraphs (1) or (2) of this subsection.
- (5) For purposes of this section, the office that is considered to have ultimate responsibility for the award of the contract shall be:
 - (a) The Barnegat Township Committee, if the contract requires approval or appropriation from the Committee.
 - (b) The Mayor of Barnegat Township, if the contract requires approval of the Mayor, or if a public officer who is responsible for the award of a contract is appointed by the Mayor.

B. Contributions made prior to the effective date. No contribution of money or any other thing of value, including in-kind contributions, made by a professional business entity to any municipal candidate for Mayor or

Committee, or PAC referenced in this section shall be deemed a violation of this section, nor shall an agreement for property, goods, or services, of any kind whatsoever, be disqualified thereby, if that contribution was made by the professional business entity prior to the effective date of this section.

C. Contribution statement by professional business entity.

- (1) Prior to awarding any contract or agreement to procure services, including banking or insurance coverage services, with any professional business entity, the township or any of its purchasing agents or agencies, as applicable, shall receive a sworn statement from the professional business entity made under penalty of perjury that the bidder or offer or has not made a contribution in violation of this section.
- (2) The professional business entity shall have a continuing duty to report any violations of this ordinance that may occur during the negotiation or duration of a contract. The certification required under this subsection shall be made prior to entry into the contract or agreement with the township and shall be in addition to any other certifications that may be required by any other provision of law.

D. Return of excess contributions. A professional business entity or township candidate or officeholder or PAC referenced in this section may cure a violation of this section, if, within thirty (30) days after the general election, the professional business entity notifies the Township Committee in writing and seeks and receives reimbursement of a contribution from the township candidate or PAC referenced in this section.

E. Penalty.

- (1) All Barnegat Township professional service agreements shall provide that it shall be a breach of the terms of the government contract for a

professional business entity as defined in Section 10-20.A(3) to violation Section 10-20.A(2) or to knowingly conceal or misrepresent contributions given or received, or to make contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution.

- (2) Any professional business entity as defined in Section 10-20.A(3) and (4) who knowingly fails to reveal a contribution made in violation of this section, or who knowingly makes contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution, shall be disqualified from eligibility for future Barnegat Township contracts for a period of four (4) calendar years from the date of the violation.**

§ 10-21. Competitive negotiations for professional services contracts. [Added 2-22-05 by Ord. No. 2005-03]

A. Definitions.

PROFESSIONAL SERVICES — For purposes of this section means, as defined at N.J.S.A. § 40A:11-2(6), services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or apprenticeship and training. For purposes of this ordinance, however, professional services shall not include professional artistic services as defined at N.J.S.A. § 40A:11-2(6). Professional services shall include financial services or insurance services.

B. General provisions.

- (1) The municipality shall award all contracts or agreements for the provision of professional services on the basis of qualification based, competitive negotiation.**
- (2) Professional Service contract requests for proposal shall be published by the posting of a public notice at least ten (10) days prior to the awarding of any contract for professional services.**
- (3) The public notice shall be;**
 - (a) Prominently posted in the public place reserved for Sunshine Law notices;**
 - (b) Mailed, telephoned, telegraphed, faxed or hand delivered to at least two (2) newspapers designated to receive such notices because they have the greatest likelihood of informing the public within the municipality, one (1) of which shall be the official newspaper of the municipality; and**
 - (c) Final with the Clerk of the municipality.**
- (4) The public notice shall, at minimum, include:**
 - (a) A description of the professional services needed, including, where appropriate, a description of tasks involved.**
 - (b) Threshold qualification requirements setting the highest possible, minimum standards for qualifying to compete for the particular services and tasks involved.**
 - (c) Notice that standardized submission requirements and selection criteria are on file and available at a stated location in the township.**
 - (d) Deadline and place for all submissions.**

- (5) Standardized submission requirements shall include:
- (a) Names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised.
 - (b) References and record of success.
 - (c) Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
 - (d) Cost details, including the hourly rates of each of the individuals who will perform services and time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.
- (6) The selection criteria to be used in awarding a contract or agreement for professional services shall include:
- (a) Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.
 - (b) Experience and references
 - (c) Ability to perform the task in a timely fashion, including staffing and familiarity with subject matter.
 - (d) Cost consideration—including, but not limited to, historical costs for similar professional services, expertise involved and comparable costs for comparable public entities.
- (7) All submissions shall be kept on file during the term of the related contract, and shall be public records after the deadline for the submission of proposals.

- (8) In the event that compliance with part or all of the requirements of this ordinance is impracticable as regards a particular contract or agreement, the Township Committee may waive part or all of the requirements by a majority vote of the full Committee in the appointing resolution, setting forth with specificity the reasons such waiver is required.