



Legislation Details (With Text)

**File #:** 16-1728      **Version:** 1      **Name:** Shop Newark Tax Rebate Contract  
**Type:** Resolution      **Status:** Adopted  
**File created:** 11/3/2016      **In control:** Economic and Housing Development  
**On agenda:** 2/7/2017      **Final action:** 2/7/2017  
**Title:** Dept/ Agency: Economic and Housing Development  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: EUS Contract  
Purpose: Vendor and Administrator of the Shop Newark Buy Local Property Tax Rebate Program  
Entity Name: FinCredit, Inc.  
Entity Address: 98 Conover Road, P.O. Box 43, Marlboro, New Jersey 07746  
Contract Amount: Compensation to the vendor is based upon the participation of the Newark-based businesses, and their patrons, in the Shop Newark Buy Local Property Tax Rebate Program  
Funding Source: N/A  
Contract Period: Twenty-Four (24) months from the date of the Notice to Proceed from the Deputy Mayor/Director of Economic and Housing Development  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. (X) EUS  
( ) Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a  
Additional Information:

**Sponsors:** Augusto Amador, John Sharpe James

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
2/7/2017	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS**, the Newark Municipal Council desires to stimulate local commerce in the City by encouraging the patronage of Newark-based businesses by local residents; and

**WHEREAS**, on December 21, 2016, the Newark Municipal Council approved the creation of the Shop Newark Buy Local Property Tax Rebate Program, by Ordinance 6PSF-C; and

**WHEREAS**, under Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq. (the "LPCL"), a municipality may enter into a contract for the performance of services without competitive public bidding if the services being procured qualify as Extraordinary Unspecifiable Services; and

**WHEREAS**, the services necessary to implement and perform the Shop Newark Buy Local Property Tax Rebate Program qualify as Extraordinary Unspecifiable Services pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) because the services to be provided are of a specialized and qualitative nature requiring expertise, extensive training, specific computer programming and proven reputation in the field of endeavor, and the services cannot be reasonably described by written specifications; and

**WHEREAS**, the Department of Economic and Housing Development, has determined that FinCredit, Inc., 98 Conover Road/P.O. Box 43, Marlboro, New Jersey 07746, is best qualified to provide the service as an Extraordinary Unspecifiable Service; and

**WHEREAS**, due to the unique nature of the work performed by FinCredit, Inc., and its experience in implementing the Shop Newark Buy Local Property Tax Rebate Program, the City of Newark wishes to enter into a contract with FinCredit, Inc. with compensation as set forth in the Agreement; Exception to Public Bidding N.J.S.A. 40A:11-5 (1)(a)(ii) Extraordinary Unspecifiable Service, Non-fair and Open in accordance with N.J.S.A. 19:44A-20.5; and

**WHEREAS**, FinCredit, Inc. has demonstrated that it is qualified by its training, experience and proprietary software to provide the required services in the manner and on the terms and conditions set forth in the contract; and

**WHEREAS**, the Newark Municipal Council has determined it is appropriate to permit a "reward" type program to give Newark taxpayers a financial incentive to patronize participating Newark-based businesses through obtaining a credit towards their property taxes and give non-taxpayers a financial incentive by providing "rebate checks"; and

**WHEREAS**, the goal of the program is to provide consumers with a financial incentive to patronize participating businesses in the form of a Property Tax Rebate Program and at the same time provide City-based businesses with a financial incentive to enroll in the program in the form of increased patronage and revenues; and

**WHEREAS**, for providing ongoing services as the Administrator of the Shop Newark Buy Local Property Tax Rebate Program, FinCredit Inc. will retain a percentage of the Property Tax Rebate provided by the merchants to the public; and

**WHEREAS**, this Agreement with FinCredit, Inc. shall be for a term of twenty-four (24) months from the date of the Notice to Proceed, from the Deputy Mayor/Director of Economic and Housing Development; and

**WHEREAS**, the Newark Municipal Council believes that the implementation of this program will benefit Newark-based businesses as well as resident taxpayers and patrons of Newark-based businesses.

**NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. The Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, are hereby authorized to enter into and execute an Extraordinary Unspecifiable Services contract with FinCredit, Inc., 98 Conover Road/P.O. Box 43, Marlboro, New Jersey 07746, to be the vendor and administrator of the Shop Newark Buy Local Property Tax Rebate Program. The contract length is twenty-four (24) months from the date of the Notice to Proceed from the Deputy Mayor/Director of Economic and Housing Development.
2. The contract is awarded without competitive bidding as an exception to Local Public Contracts Law, pursuant to N.J.S.A. 40A:11-5(1)(a)(ii) Extraordinary Unspecified Services.
3. A Certification of Funds is not required. Compensation to the vendor is based upon the participation of the Newark-based businesses, and their patrons, in the Shop Newark Buy Local Property Tax Rebate Program. For providing ongoing services as the Administrator of the Shop Newark Buy Local Property Tax Rebate Program, FinCredit Inc. will retain a percentage of the Property Tax Rebate provided by the merchants to the public.
4. FinCredit, Inc. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the Office of the City Clerk, certifying that FinCredit, Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit FinCredit, Inc. from making reportable contributions through the term of contract.
5. This contract is awarded pursuant to the non-fair and open procedures of the Pay-to-Play Law (N.J.S.A. 19:44A-20.5), pursuant to the provisions of the Local Public Contracts Law to N.J.S.A. 40A:11-5(1)(a)(ii), is in compliance with the Contractor Pay-to-Play Reform Ordinance, 6PSF-a, August 1, 2012.
6. There shall be no amendments or changes to this contract, unless in writing, signed by the parties, with approval of the Municipal Council.
7. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
8. A copy of the Certificate of Extraordinary Unspecified Services shall be placed on file with the contract in the Office of the City Clerk.
9. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of its passage.
10. A fully executed copy of the authorized contract shall be filed in the Office of the City Clerk by the Deputy Mayor/Director of Economic and Housing Development.

**STATEMENT**

This resolution authorizes the Mayor and/or his designee, the Deputy Mayor/Director of the Department of Economic and Housing Development, to enter into an Extraordinary Unspecifiable

Services contract with FinCredit, Inc., 98 Conover Road/P.O. Box 43, Marlboro, New Jersey 07746, to be the vendor and administrator of the Shop Newark Buy Local Property Tax Rebate Program for a period of twenty-four (24) months from the date of the Notice to Proceed from the Deputy Mayor/Director of Economic and Housing Development.