



Legislation Text

File #: 15-1679, Version: 1

Dept/ Agency: Finance

Action: (X) Ratifying (X) Authorizing () Amending

Type of Service: Professional Service Contract

Purpose: Electronic Tax Sales

Entity Name: R.O.K Industries, Inc. d/b/a NJTAX Lien Investors.com/RealAuction.com LLC.

Entity Address: 306 Harlingen Road, Belle Mead, New Jersey 08502-5309

Contract Amount: \$150,000.00

Funding Source: 2015 Temporary Budget

Contract Period: June 19, 2015 through June 18, 2016

Contract Basis: () Bid () State Vendor (X) Prof. Ser. () EUS

() Fair & Open () No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

Contract is being awarded as non-fair and open as Vendor is the only one authorized by the Division of Local Government Services to offer this service within the State of New Jersey.

Partial Certification of Funds \$81,843.00

Deferred 7R5-b 102115

WHEREAS, N.J.S.A. 54:5-19.1 authorizes electronic tax sales pursuant to rules and regulations to be promulgated by the Director of the Division of Local Government Services, (hereinafter referred to as "the Division") and

WHEREAS, the Director of the Division of Local Government Services has promulgated rules and regulations for pilot programs, and

WHEREAS, the Director of the Division of Local Government Services has approved R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC. to conduct pilot programs, and

WHEREAS, on June 17, 2015, the City of Newark adopted Resolution 7R5-a 061715 for participation in the pilot program for an Electronic Tax Sale, and

WHEREAS, an Electronic Tax Sale is innovative and provides a greater pool of potential lien buyers, thus creating the environment for a more complete tax sale process, and

WHEREAS, the City of Newark has received provisional approval from the Division of Local Government Services to participate in the Electronic Tax Sale Pilot Program subject to review of the contract between the City and R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC. (R.O.K. Industries); and,

WHEREAS, the Rules and Regulations promulgated by the Division indicate that if only one vendor is approved to conduct such online sales that there is no requirement to solicit bids; and,

WHEREAS, such electronic tax sale services are part of a highly regulated industry, licensed by various regulatory authorities; as such, those services are professional services, excluded from the requirements of public bidding pursuant to the Local Public Contracts Law, more specifically, N.J.S.A. 40A:11-5(1)(a)(i); and

WHEREAS, the City of Newark wishes to enter into a new contract with R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC. to provide electronic tax sale services in an amount of \$15 per property, listed on the initial list of properties provided by the City of Newark to R.O.K industries, and not to exceed One Hundred and Fifty Thousand Dollars (\$150,000.00), for a one year period from notice to proceed; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et. seq.) requires that notice of the award of contracts for “Professional Services” without competitive bidding must be published in a local newspaper; and

WHEREAS, this contract is for an amount over \$17,500 and is being awarded pursuant to a “non-fair and open process” pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC. has completed and submitted a Business Entity Disclosure Certification which certifies that R.O.K Industries has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and that the contract will prohibit R.O.K Industries from making any reportable contributions through the term of the contract; and

WHEREAS, R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC., is the sole vendor approved by the Division of Local Government Services to offer such services; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

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

1. The Mayor of the City of Newark and or his designee, the Tax Collector are hereby authorized and directed on behalf of the City of Newark to execute a contract with R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC. (R.O.K Industries), 306 Harlingen Road, Belle Mead, New Jersey 08502, for a period of one year from July 19, 2015 through July 18, 2016, for an amount of \$15 per property, listed on the initial list of properties provided by the City of Newark to R.O.K Industries, not to exceed \$150,000.00.

2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is a partial Certification of Funds from the Director of Finance which states the funds in the amount of \$81,843.00 are available in the 2015 Temporary Budget, Business Unit NW011, Dept. 050, Div./Proj. 0505, Account # 71050 Budget Ref. B2015. The certification shall be filed along with the original resolution and the executed contract in the Office of the City Clerk by the Director of Finance/CFO. The remainder of the funding for this contract will be subject to appropriation in the 2016 Municipal Budget and funds will be certified prior to services being provided by the contractor.
3. Pursuant to N.J.S.A. 27:25-17, any and all debts, expenses or obligations incurred by the City Department shall be payable only from funds available to the City of Newark, and no liability or obligation shall be incurred by the City Department beyond the extent to which monies are available.
4. This contract is awarded without competitive bidding as a "Professional Service" in accordance with N.J.S.A. 40A:11-5(a)(i) of the Local Public Contracts Law because the performance of the service required must be performed by someone who is authorized in the State of New Jersey.
5. This contract is awarded pursuant to the non-fair and open procedures of the State Pay-to-Play Law (N.J.S.A. 19:44A-20.5) and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5(1) (a) (i).
6. Certified copies of the fully executed contract shall be filed in the Office of the City Clerk by the Director of Finance/Chief Financial Officer of the City of Newark.
7. R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC. has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the Resolution in the City Clerk's Office, certifying that R.O.K Industries 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 R.O.K Industries from making reportable contributions through the term of the Contract.
8. The term of this contract will be one (1) year from July 19, 2015 through July 18, 2016.
9. A notice of the award of the contract shall be published in the newspaper authorized by law within ten (10) days of the adoption of this resolution.

STATEMENT

This resolution ratifies and authorizes the professional services contract between the City of Newark with R.O.K Industries, d/b/a NJ Tax Lien Investors/RealAuction.com LLC., 306 Harlingen Road, Belle Mead, New Jersey 08502 to provide electronic tax sales in the amount of \$150,000.00 for a one (1) year term.