



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Details (With Text)

**File #:** 14-0306 **Version:** 1 **Name:** Contract with Voting Machines  
**Type:** Resolution **Status:** Filed  
**File created:** 3/4/2014 **In control:** Municipal Council and City Clerk  
**On agenda:** 3/19/2014 **Final action:** 3/19/2014  
**Title:** Dept/ Agency: Offices of Municipal Council/City Clerk  
Action: ☒ Ratifying ☒ Authorizing ☐ Amending  
Type of Service: Exception to Public Bidding - N.J.S.A. 40A:11-5 (1) (L)  
Purpose: Provide Election Machine services and technical support for the May 2014 Municipal Election and any necessary Municipal Run-Off Election  
Entity Name: Voting Machine Service Center Inc.  
Entity Address: 1601 West Hill Road, P.O. Box 261, Gerry, New York 14740  
Contract Amount: \$189,760.00  
Funding Source: Municipal Council & City Clerk Current Budget  
Contract Period: January 1, 2014 to September 30, 2014  
Contract Basis: ☐ Bid ☐ State Vendor ☐ Prof. Ser. ☐ EUS  
☐ Fair & Open ☒ No Reportable Contributions ☐ RFP ☐ RFQ  
☐ Private Sale ☐ Grant ☐ Sub-recipient ☐ n/a  
Additional Information:

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### Code sections:

Date	Ver.	Action By	Action	Result
3/19/2014	1	Municipal Council	Adopt	Pass

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**Additional Information:**

**WHEREAS,** the Office of the City Clerk of the City of Newark has a need to provide Election Machine services and technical support for the May 2014 Municipal Election and any necessary Municipal Run-Off Election; and

**WHEREAS**, the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1) (L)) permits award of a contract for goods and services necessary or required to prepare and conduct an election without public bidding; and

**WHEREAS**, the City of Newark wishes to enter into a contract with Voting Machine Service Center Inc., 1601 West Hill Road, P.O. Box 261, Gerry, New York 14740, to provide Election Machine services and technical support for the May 2014 Municipal Election and any necessary Municipal Run-Off Election, in an amount not to exceed \$189,760.00, for the period of January 1, 2014 through September 30, 2014; and

**WHEREAS**, this contract is being awarded pursuant to and in compliance with the Non-Fair and Open contract process set forth in the Local Unit Pay-to-Play Reform, N.J.S.A. 19:44A-20.5 et seq; and

**WHEREAS**, the award of this contract is also in compliance with Executive Order Number MEO-07-0001 (hereinafter "Pay-to-Play Executive Order"), which prohibits the award of a contract to a Business Entity that has made certain political contributions for a one (1) year period prior to award and during the duration of the contract; and

**WHEREAS**, on August 1, 2012, the Newark Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 2:4-22C, which forbids, inter alia, the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract, or (ii) to any City of Newark or County of Essex political committee or political party committee, or (iii) to any continuing political committee or political action committee that regularly engages in the support of City of Newark Municipal or County of Essex elections and/or City of Newark Municipal or County of Essex candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement.; and

**WHEREAS**, the Business Entity and any of its subcontractors, if any, have certified that they are in compliance with the aforementioned Contractor Pay-to-Play Reform Ordinance, 2:4-22C; and

**WHEREAS**, Voting Machine Service Center Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that Voting Machine Service Center Inc., has not made any contributions to a political or candidate committee in the previous one year, and that the contract will prohibit Voting Machine Service Center Inc., from making any contributions through the term of this contract.

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

1. The Office of the City Clerk is hereby authorized to execute a contract with Voting Machine Service Center Inc., 1601 West Hill Road, P.O. Box 261, Gerry, New York 14740, to provide Election Machine services and technical support for the May 2014 Municipal Election and any necessary Municipal Run-Off Election, in an amount not to exceed \$189,760.00, for the period of January 1, 2014 through September 30, 2014.
2. The Municipal Council hereby ratifies this contract from January 1, 2014 to the date of adoption of this authorizing resolution.
3. Pursuant to N.J.A.C. 5:30-5.5 (a), Temporary Budget, a partial certification of the availability of sufficient funds (in the prorated amount of \$50,000.00) in the 2014 Temporary Budget, from NW 011, Dept. ID 020, Div./Proj. 0201, Account 96120, is attached hereto; the balance to be provided in the 2014 Temporary Budget and/or the 2014 Adopted Budget. The certification shall be filed along with the original resolution and the executed contract in the Office of the City Clerk.
4. This contract is being awarded pursuant to the Non-Fair and Open procedures of the Pay-to-Play Law N.J.S.A 19:44A-20.5 et seq. and the City of Newark Executive Order on Pay-to-Play Reform, ME0-07-0001 and the City of Newark Contractor Pay-to-Play Reform Ordinance, 2:4-22C , and pursuant to the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-5 (1)(L)) because these goods and services are necessary or required to prepare and conduct an election.
5. The contract will contain language prohibiting any contributions in violation of any state or local law.
6. That the Business Disclosure Entity Certification and the City Political Disclosure Form and other required documentation shall be placed on file with this resolution.
7. A copy of the executed agreement herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.
8. There shall be no amendments or changes of this contract without approval of the Municipal Council and there shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.

#### **STATEMENT**

This resolution ratifies and authorizes the Office of the City Clerk of the City of Newark to enter into and execute a contract with Voting Machine Service Center Inc., 1601 West Hill Road, P.O. Box 261, Gerry, New York 14740, to provide Election Machine services and technical support for the May 2014 Municipal Election and any necessary Municipal Run-Off Election, in an amount not to exceed \$189,760.00, for the period of January 1, 2014 through September 30, 2014.