



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 13-0233, Version: 1

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**Dept/ Agency:** Finance

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

**Type of Service:** EUS Contract

**Purpose:** Water and Sewer Debt Collection Services

**Entity Name:** Fortitude Business Solutions, LLC.

**Entity Address:** One Timber Way, Suite 200, Daphne, Alabama, 36527

**Contract Amount:** 15% of debt collected

**Funding Source:** Past due revenue collected

**Contract Period:** 365 days from formal Notice to Proceed with an option to extend for one (1) year

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

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

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

**Additional Information:**

Proposals Received: 9

No City of Newark budget funds required as vendor is paid a percentage of the monies collected

**Deferred 7R5-a (s) 032613**

**WHEREAS**, the City of Newark advertised a Request for Proposal (RFP) for Water and Sewer Debt Collection Services and nine proposals were received on July 27, 2012, and the proposal received from Fortitude Business Solutions, LLC. One Timber Way, Suite 200, Daphne, Alabama 36527, was found to be in the best interest of the City of Newark to accept; and

**WHEREAS**, the City of Newark wishes to enter into an Extraordinary Unspecifiable Services contract with Fortitude Business Solutions, LLC. One Timber Way, Suite 200, Daphne, Alabama 36527, to provide Water and Sewer Debt Collections for the City of Newark, Department of Finance; and

**WHEREAS**, the private collection of fees and charges is an extraordinary unspecified service, not required to be publicly bid pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(ii); and

**WHEREAS**, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay to Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; and

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

**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 Director of Finance/CFO, are hereby authorized and directed on behalf of the City of Newark to execute a contract with Fortitude Business Solutions, LLC. One Timber Way, Suite 200, Daphne, Alabama 36527, to provide Water and Sewer Debt Collection Services for the City of Newark, Department of Finance, at the following rates:
  - i. Free demand period of ten (10) days for the first ninety (90) days on the initial placement.
  - ii. 10% of amount collected for the first ninety (90) days of initial placement only.
  - iii. 15% of amount collected after the first ninety (90) days of initial placement.
2. This contract is being awarded pursuant to the fair and open procedures of the Pay-toPlay 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)(ii)), and is in compliance with Executive Order MEO-07-0001, effective March 31, 2007.
3. There are no City of Newark budget funds necessary for this contract as the vendor is paid from a percentage of the monies collected.
4. A copy of the executed agreement herein authorized, including the Certification of Extraordinary Unspecifiable Services, shall be filed in the Office of the City Clerk by the Director of Finance and shall be made available for public inspection.
5. 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 10 days of its passage.
6. This contract is for a period of 365 consecutive calendar days from the issue of a formal Notice to Proceed by the Director of Finance with an option to extend for one (1) year, subject to Municipal Council approval.

#### **STATEMENT**

This resolution authorizes the Extraordinary Unspecifiable Services contract between the City of Newark with Fortitude Business Solutions, LLC. One Timber Way, Suite 200, Daphne, Alabama 36527, to provide Water and Sewer Debt Collection Services for the City of Newark, Department of Finance, for a period of 365 consecutive calendar days from the issue of a formal Notice to Proceed by the Director of Finance with an option to extend contract term for one (1) year.