



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 14-0308, Version: 1

**Dept/ Agency:** Offices of Municipal Council/City Clerk

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

**Type of Service:** Exception to Public Bidding - *N.J.S.A. 40A:11-5 (1) (L)*

**Purpose:** To provide website and internet technology and social media services for the May 2014 Municipal Election and any necessary Municipal Run-Off Election.

**Entity Name:** SDS, Inc.

**Entity Address:** 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102

**Contract Amount:** \$65,000.00

**Funding Source:** Municipal Council/City Clerk (2014 Budget)

**Contract Period:** January 1, 2014 through September 30, 2014

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

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

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

**Additional Information:**

**WHEREAS**, the Office of the City Clerk of the City of Newark has a need to provide website and internet technology and social media services for the May 2014 Municipal Election and any necessary Municipal Run-Off Elections; 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 contract with SDS Inc., 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide Website Services for the May 2014 Municipal Election and any necessary Municipal Run-Off Elections, in an amount not to exceed \$65,000.00, 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 Procedures of State Pay-to-Play Law, *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**, SDS Inc. has completed and submitted a Business Entity Disclosure Certification, which certifies that SDS Inc., has not made any contributions to a political or candidate committee in the previous one (1) year, and that the contract will prohibit SDS 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 on behalf of the City of Newark to enter into and execute a contract with SDS Inc., 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide website and related internet technology and social media services for the May 2014 Municipal Election and any necessary Municipal Run-Off Elections, in an amount not to exceed \$65,000.00, for the period of January 1, 2014 through September 30, 2014.
2. The Municipal Council ratifies this contract for the period of January 1, 2014 to the date of adoption of this resolution.
3. Pursuant to *N.J.A.C. 5:30-5.5*, attached hereto is the Municipal Comptroller's Certification of Funds, which states that the amount of \$20,000.00 is available in the 2014 Temporary Budget: NW 011, Dept. ID 020, Div./Proj. 0201, Account 96120, the balance to be provided in 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 State 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 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 Contribution Disclosure Form and other required documentation shall be placed on file with this resolution.

7. A copy of the executed contract 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 and/or changes to this contract without approval of the Municipal Council.
9. 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 on behalf of the City of Newark to enter into and execute a contract with SDS Inc., 550 Broad Street, 11<sup>th</sup> Floor, Newark, New Jersey 07102, to provide website and related internet technology and social media services for the May 2014 Municipal Election and any necessary Municipal Run-Off Election, in an amount not to exceed \$65,000.00, for the period of January 1, 2014 through September 30, 2014.

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