

Lashway, Lisa

From: NJLM - Municipal Clerks [njlm-clerks@cityconnections.com]
Sent: Monday, February 15, 2010 11:43 AM
To: Lashway, Lisa
Subject: NJLM Snow Emergency

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William G. Dressel Jr.
Executive Director
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Asst. Executive Director

LEAGUE ALERT

Municipal Clerk: Please forward to Mayor and Governing Body.

February 15, 2010

Re February 2010 Snow Emergency Issues

Dear Mayor:

The Division of Local Government Services has, in response to the recent and impending winter storms, made the following information available to assist local officials with fiscal and related issues affected by the weather.

1) Local Finance Board Meeting

The Wednesday, February 10, 2010 Local Finance Board meeting is postponed until Thursday, February 18. The time of the rescheduled meeting will be announced.

2) Postponing Receipt of Bids

If a contracting unit has bids due on Wednesday, February 10, NJAC 5:34-9.4(b) provides the following procedure for postponement of bids:

(b) Publicly announced receipt of bids or competitive contracting proposals shall be considered postponed when an unforeseen circumstance occurs that would affect or prohibit the opening of bids or proposals. The opening of the bids or proposals must occur within five days, excluding Saturdays, Sundays, and holidays, of the original date of the receipt of bids or proposals. The following procedures shall be used in the event a contracting unit must postpone the receipt of publicly advertised bids or competitive contracting proposals:

1. As soon as practicable, all vendors who have either submitted bids or proposals, or received specifications or request for proposals, shall be notified

by telephone, fax, or e-mail that the receipt thereof has been postponed and the reason therefore.

2. If possible, on the day and time originally scheduled for receipt of bids or proposals, a notice shall be posted at the place where bids were to have been received, stating that the receipt of bids or proposals has been postponed.

3. In the event of a postponement, no bids or proposals shall be opened.

3) Addressing Rock Salt Shortages

The following guidance addresses when a contracting unit's stated contract quantity or estimated contract tonnage for rock salt has been consumed. It is likely, depending on the contract with the vendor, once estimated quantities are reached, there is no obligation for the contractor to maintain pricing or delivery guarantees.

To ensure salt (or other commodity) supplies meet local needs, the first thing local officials should do is carefully read their contract to verify the contract tonnage and if unit prices or a price methodology may have been included in the original specifications and contract. If unit prices or a price methodology has been included, review the change order procedure (N.J.A.C. 5:30-11 et seq.). Lead agencies of competitive purchasing systems should do the same for their own needs as well as their members.

If contract language does not meet the circumstances, resolve the situation through the declaration of an emergency pursuant to N.J.S.A. 40A:11-6 and N.J.A.C. 5:34-6 so the contracting unit can negotiate a price with any vendor. Once declared, a contracting unit could continue the contractual relationship with their originally awarded contract vendor, renegotiate it, or attempt to receive expedited quotations from vendors. The governing body must ultimately approve contracts with a value above the bid threshold or delegate emergency contracting authority to an official pursuant to N.J.A.C. 5:34-6.1(b).

If necessary, the governing body will also be required to take the necessary financial action (i.e., adopt an emergency or temporary emergency resolution to appropriate funds) to provide for the payment of additional costs for a new or amended contract. Contracting officials should also be sure that prior to paying the bills, Business Registration Certification and Political Contribution Disclosure requirements are met. Finally, the contracting unit's legal advisor should review all this advice and any action.

4) Municipal and County Financial Emergency Resolutions In the event a State of Emergency is declared by Governor Christie, additional guidance will follow regarding budget treatment for municipalities, counties, and fire districts.

Dear Mayor: