

RESOLUTION NO. 2023-241

**RESOLUTION OF THE TOWNSHIP OF LITTLE
EGG HARBOR, COUNTY OF OCEAN, STATE OF
NEW JERSEY, ESTABLISHING THE BID
THRESHOLD FOR RUSSIA/BELARUS
CERTIFICATION PURPOSES**

WHEREAS, on April 15, 2021, President Biden entered Executive Order 14024, Blocking Property with Respect to Specified Harmful Foreign Activities of the Government of the Russian Federation, which declared a national emergency to deal with the threat from the Russian Federation and limited certain transactions; and

WHEREAS, on March 9, 2022, P.L. 2022, c. 3, was approved, which took effect immediately and shall expire upon the revocation of Executive Order 14024; and

WHEREAS, P.L. 2022, c. 3 impacts procurement by local contracting units as defined under the Local Public Contracts Law, and Little Egg Township is such a local contracting unit; and

WHEREAS, under P.L. 2022, c. 3, persons or entities on the State Treasury's Russia-Belarus list cannot enter into or renew a contract for the provision of goods and services with a local contracting unit and when a contract for goods or services is awarded, renewed, amended or extended, a local contracting unit shall require a vendor or contractor to certify that the vendor or contractor is not identified on the State Treasury's Russia-Belarus list; and

WHEREAS, the Department of Community Affairs, Division of Local Government Services ("LGS") Local Finance Order 2022-24 had initially indicated that the threshold award of \$1000 would trigger a need to obtain a certification from a vendor or contractor; and

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WHEREAS, Local Finance Notice 2023-11 rescinded LFN 2022-24 and clarified that the \$1000 threshold referenced previously by LGS was the State threshold as noted in Treasury Circular 23-09-DPP and that a local contracting unit “should rely on the advice of legal counsel in determining whether to apply its own local quote threshold to the Russia-Belarus certification; and

WHEREAS, the Township Attorney has advised that the \$1,000 threshold should not apply, as P.L. 2022, c. 3 does not contain express language that this threshold is applicable to a local contracting unit, and that the applicable threshold for obtaining a certification should be the local contracting unit’s quote threshold; and

WHEREAS, as the Township of Little Egg Harbor has a Qualified Purchasing Agent, and as such, has a higher bid threshold of \$44,000, the Township Attorney advises that the Township of Little Egg Harbor may establish a threshold amount of \$6,600.00 for contracts for goods and services before implementing the requirement of the Russia-Belarus certification from a vendor or contractor.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the local threshold amount for obtaining a Russia-Belarus certification shall be 15 percent of the applicable bid threshold established for contracts for goods and services for a local contracting unit with a Qualified Purchasing Agent (15% of \$44,000).
2. That the Qualified Purchasing Agent shall require the submission from a vendor or contractor of a certification of persons and entities engaging in

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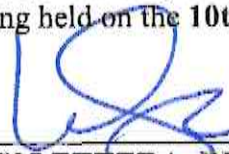
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prohibited activities of Russia or Belarus, pursuant to P.L. 2022, c. 3, for any contract for goods or services exceeding \$6,600.00.

3. That a certified copy of this Resolution shall be provided to the Qualified Purchasing Agent and the Township Administrator/CFO.

CERTIFICATION

I, **KELLY LETTERA, RMC**, Municipal Clerk of the Township of Little Egg Harbor do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the **10th** day of **August, 2023**.



KELLY LETTERA, RMC
Township Clerk
Little Egg Harbor Township

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