

RESOLUTION 2023-126

AUTHORIZING ESTABLISHING THRESHOLD FOR RUSSIA/BELARUS
CERTIFICATION

WHEREAS, on April 15, 2021 President Joseph 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 the Town of Phillipsburg 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 the initially indicated that the threshold award of \$1000 would trigger the need to obtain a certification from a vendor or contractor; and

WHEREAS, Local Finance Notice 2023-11 superseded LFN 2022-24 and clarified that the \$1000 threshold referenced previously by the LGS was the State threshold as noted in Treasury Circular 23-09-DPP and that a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

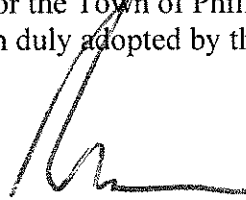
WHEREAS, as the Town of Phillipsburg has a Qualified Purchasing Agent, and as such, has a higher bid threshold of \$44,000, the Town Attorney advises that the Town of Phillipsburg may establish a threshold amount of \$6,600 for contracts for goods and services before implementing the requirement of the Russia-Belarus certification from a vendor or contractor.

NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of Phillipsburg 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, with that amount currently being \$6,600; and

IT FURTHER RESOLVED, a vendor is required to submit a certification of persons and entities engaging in prohibited activities of Russia or Belarus, pursuant to P.L., c. 3, for any contract for goods or services exceeding 15% of the applicable bid threshold, that amount currently being \$6,600.

CERTIFICATION

I, Matthew C. Hall, Acting Municipal Clerk for the Town of Phillipsburg, do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Town Council at their July 18, 2023 meeting.



Matthew C. Hall,
Acting Municipal Clerk