

Resolution 24-050

**ESTABLISHING THRESHOLD FOR
RUSSIA/BELARUS CERTIFICATION**

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 Rockaway Valley Regional Sewerage Authority is such a local contracting unit; and

WHEREAS, under P.L. 2022, c. 3, persons or entities of 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 and 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 \$1,000.00 would trigger a need to obtain a certification from a vendor or contractor; and

WHEREAS, Local Finance Notice 2023-11 rescinded LFN 2022-24 and clarified that the \$1,000.00 threshold referenced previously by LGS was the State threshold as noted in Treasury Circular 23-09-DPP and that a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, General Counsel for the Rockaway Valley Regional Sewerage Authority has advised that the \$1,000.00 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 Rockaway Valley Regional Sewerage Authority has a Qualified Purchasing Agent, and as such, has a higher bid threshold of \$44,000.00, Rockaway Valley Regional Sewerage Authority General Counsel advises that the Rockaway Valley Regional Sewerage Authority Board of Commissioners 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, the Rockaway Valley Regional Sewerage Authority, in the Town of Boonton, County of Morris, in the State of New Jersey, 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).

THEREFORE, BE IT FURTHER RESOLVED, a vendor or contractor is required to submit a certification of persons and entities engaging in prohibited activities of Russia-Belarus, pursuant to P.L. 2022, c. 3, for any contract for goods or services exceeding \$6,600.00

Certification

I hereby certify that this Resolution was adopted at a meeting of the Rockaway valley Regional Sewerage Authority on the 9th day of May 2024.

On motion of: Commissioner Howarth

and second by: Commissioner Farrell

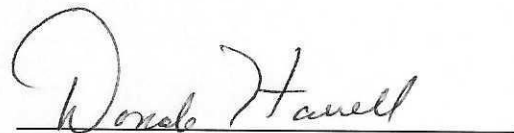
And a Roll Call Vote as Follows:

Yeas: (8) Andes, Cegelka, Corbett, Farrell, Howarth, Isselin, Lavert, and Schorno.

Nays: (0) None

Abstain: (0) None

Absent: (2) Potter and Zuppa.



Donald Farrell

Board Secretary