

AN ORDINANCE AUTHORIZING CREATION OF
AFFINITY CREDIT CARD, CONTRACT WITH
UNITED NATIONAL BANK AND AWARDING
CONTRACT FOR SAME

WHEREAS, the Township of Hazlet wishes to initiate an Affinity Credit Card Program that will generate additional revenue for the Township; and

WHEREAS, the Township reserves the right at a later date to determine to utilize such revenues for specific Township programs in accordance with a dedication by Rider which would be submitted to the Division of Local Government Services for their approval; and

WHEREAS, the Chief Financial Officer with the acquiescence of the Governing Body, has entered into negotiations with United National Bank for the purpose of developing an acceptable Affinity Credit Card Program Agreement, and

WHEREAS, United National Bank has agreed to issue a credit card which will be available to residents and business entities located in the Township of Hazlet which card will carry the Township name and/or appropriate logo; and

WHEREAS, it is recognized that this program is an innovative concept among municipalities for which specific enabling legislation is pending in the Assembly and for which the Division of Local Government Services has provided guidance and direction in its Local Finance Notice of October 25, 1994; and

WHEREAS, the Township of Hazlet has proceeded in accordance with that guidance and direction by communicating throughout the solicitation and negotiation process with the Division, by submitting a Municipal Attorney Legal Opinion Letter to the Division and by promising to provide the Division with a copy of the within Ordinance, the Agreement and all correspondence between the bank and the municipality as the program

develops; and

WHEREAS, the Township authority to enter into this Agreement derives from N.J.S.A. 40A:11 Local Public Contracts Law), N.J.S.A. 40:48-1 and 2 (Home Rule Act) and Article IV, Section 7, Paragraph of the New Jersey Constitution separately and, when read in para materia, all of which are expressed in the Township Attorney Legal Opinion Letter directed to the Division; and

WHEREAS, such Agreement may also be viewed as an EUS (Extraordinary Unspecifiable Service) under the Local Public Contracts Law; and

WHEREAS, at least four (4) other New Jersey municipalities have entered into such an Agreement and many others are in the process of developing such an Affinity Credit Card Program; and

WHEREAS, there are no payments of municipal funds to United National Bank associated with the entry into this Agreement; and

WHEREAS, N.J.S.A. 40a:1 et seq. requires that a Resolution authorizing an award of contract for "Extraordinary Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, Patricia M. Frank, Chief Financial Officer, has certified that this undertaking meets the statute and regulations governing the award of contracts as an EUS.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Hazlet, County of Monmouth, State of New Jersey that it hereby authorizes its Mayor and Township Clerk to execute an Agreement with United National Bank allowing for participation in the Affinity Credit Card Program;

BE IT FURTHER ORDAINED that the Township Committee of the Township of Hazlet hereby authorizes and directs implementation of the said Credit Card Program

to be made available to the residents and businesses of the Township as well as the "Friends of Hazlet" as that term is defined in the Agreement, all consistent with the terms and conditions of the Agreement, which agreement is on file in the Office of the Township Clerk.

BE IT FURTHER ORDAINED that the authority to enter into this contract is as articulated in the seventh and eighth preamble paragraphs to this Ordinance. In this regard and as articulated in preamble paragraph eight, this contract is also awarded without competitive bidding as an "Extraordinary Unspecifiable Service" in accordance with N.J.S.A. 40A:5 (1) (a) (ii) of the Local Public Contracts Law because:

"It is unique, yet calls for extensive knowledge requiring specialized expertise. The Affinity Credit Card is also a relatively new concept and totally novel in the area of governmental sponsors. All of the these factors suggest that a certain expertise is critical to the job and that effective specifications would be difficult to draw or even meet. Moreover, a solicitation of proposals over the past year was unsuccessful, save for the interest of United National Bank. The parameters of an agreement and implementation procedures are still in the process of being developed and refined as municipalities and lending institutions begin to enter this field of endeavor."

BE IT FURTHER ORDAINED that notification of the award of this contract shall be printed once in The Courier.

ANGELA ARGIRO-BOON
MUNICIPAL CLERK

RON WALSH
MAYOR