

RESOLUTION NO. 2014-419

A RESOLUTION AUTHORIZING AN EXTRAORDINARY, UNSPECIFIABLE SERVICES AGREEMENT WITH AMERICAN FIDELITY ADMINISTRATIVE SERVICES, LLC, OKLAHOMA CITY, OK FOR PROVIDING ACCESS TO THE WORXTIME SERVICE PROGRAM REQUIRED FOR TRACKING, MONITORING AND REPORTING EMPLOYEE HOURS WORKED.

WHEREAS, there exists a need for Services required for tracking, monitoring and reporting employees hours worked to assure compliance with the Affordable Care Act; and

WHEREAS, the City of Vineland has a need to acquire such services as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A-20.5; and

WHEREAS, the purchasing agent has determined and certified in writing that the value of said services will exceed \$17,500.00; and

WHEREAS, American Fidelity Administrative Services, LLC, Oklahoma City, OK, has submitted proposals indicating they will provide the required services for a period of one year from date of award, at \$0.75 per employee for an approximate amount of \$6,300.00 per month with a one-time set-up fee of \$795.00; and

WHEREAS, American Fidelity Administrative Services has completed and submitted a Business Entity Disclosure Certification for Non-Fair and Open Contract which certifies that American Fidelity Administrative Services has not made any reportable contributions to a political or candidate committee in the City of Vineland in the previous one year and that the contract will prohibit American Fidelity Administrative Services from making any reportable contributions through the term of the contract to a political or candidate committee in the City of Vineland; and

WHEREAS, the availability of funds for said contracts has been certified by the City Comptroller; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contracts for "Extraordinary, Unspecifiable Services" without competitive bids and the contract itself must be available for public inspection; and

WHEREAS, the Assistant Business Administrator has certified that this meets the statute and regulations governing the award of said contracts;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF VINELAND, as follows:

1. That the Mayor and Clerk are hereby authorized and directed to execute Non-Fair and Open Agreements and other related documents on behalf of the City of Vineland pursuant to N.J.S.A. 19:44A-20.5.
2. That the Business Disclosure Entity Certification, the Political Contribution Disclosure Form and the Determination of Value be placed on file with this Resolution.
3. THAT the Purchasing Agent be and the same is hereby authorized and directed to issue a purchase order contract to American Fidelity Administrative Services, LLC, Oklahoma City, OK, to provide access to the Worxtime Service Program required for tracking, monitoring and reporting employees hours worked to assure compliance with the Affordable Care Act, at \$0.75 per employee for an approximate amount of \$6,300.00 per month with a one-time set-up fee of \$795.00.
4. These contracts are awarded in accordance with N.J.S.A. 40A:11-5(1)(m) of the Local Public Contracts Law which permits the award of a contract without public advertising for bids and bidding thereof if the subject matter thereof consists of insurance, including the purchase of insurance coverage and consultant services, which exception shall be in accordance with the requirements for extraordinary, unspecifiable services.

5. A notice of this action shall be printed once in the Daily Journal.

Adopted:

President of Council

ATTEST:

City Clerk

 *City of*
Vineland
STANDARD CERTIFICATION DECLARATION FOR
EXTRAORDINARY UNSPECIFIABLE SERVICE (EUS)

To: Members of the Governing Body

From: Denise Monaco, Assistant Business Administrator

Date: October 7, 2014

Subject: This is a contract for: **Services required for tracking, monitoring and reporting employee hours worked to assure compliance with the Affordable Care Act**

This is to request your approval of a resolution authorizing a contract to be executed as follows:

This is to request an award of a contract without the receipt of formal bids as an Extraordinary Unspecifiable Service (N.J.S.A. 40A:11-5(1)(a)(ii) and N.J.A.C. 5:34-2.3(b)). I do hereby certify to the following:

1. Provide a clear description of the nature of the work to be done:
To provide access to the Worxtime Service Program required for tracking, monitoring and reporting employees hours worked to assure compliance with the Affordable Care Act.
2. Describe in detail why the contract meets the provisions of the statute and rules:
Insurance is exempted by virtue of N.J.S.A. 40A:11-5(1)(a)(ii) and 40A:11-5(1)(m).
3. The service(s) is of such a specialized and qualitative nature that the performance of the service(s) cannot be reasonably described by written specifications because: **The software program is a unique proprietary product.**
4. Describe the informal solicitation of quotations: **Use of the software program is an additional service being offered by American Fidelity who is a provider of voluntary employee benefits for the City.**
5. I have reviewed the rules of the Division of Local Government Services pursuant to N.J.A.C. 5:34-2.1 et seq. And certify that the proposed contract may be considered an extraordinary unspecifiable service in accordance with the requirements thereof.

Respectfully,



Assistant Business Administrator

(Original to be retained by City Clerk with the affirmed copy of the resolution; signed duplicate to be kept by Business Administration.)



Health Care Reform Made Easy

Large employers (with 50+ full-time equivalent employees) that fail to offer adequate and affordable coverage to substantially all full-time employees could trigger a Free Rider Penalty (Employer Mandate). This requires you to know who your full-time employees are and how many of them are eligible for coverage during any given month. This can be particularly challenging if your workforce includes employees whose hours vary from week to week or are seasonal.

Health Care Reform Eligibility Software

Many organizations are assessing potential ad hoc workarounds to stay on top of these demands. AFAS has partnered with WorxTime to offer an automated solution to relieve you of this burden. The WorxTime platform includes the following features:

- Monitors employee hours in real time and sends automated alerts to the employer whenever action is required;
- Calculates whether variable hour employees will be considered full-time under the law;
- Projects probability of part-time employees moving to full-time status;
- Monitors percentage of full-time employees who are eligible for coverage;
- Provides affordability testing, rate of pay safe harbor testing, and a penalty calculator; and
- Captures information that will need to be reported to the IRS.

Service Features

Our time and eligibility management solution also includes the following:

- One hour setup meeting with an expert Health Care Reform Consultant;
- Training on the WorxTime platform;
- Data input from your payroll and/or time management systems;
- Dedicated professional to answer questions;
- Platform customer service support; and
- Easy contracting terms.

>> \$795 setup (\$495 with purchase of Implementation Package) + \$0.75 per employee per month. Sales tax may apply. A fee of \$0.75 per employee per month of the initial measurement period that has already lapsed, if any, will also apply. Discounted fee available for groups with 1,000+ employees.

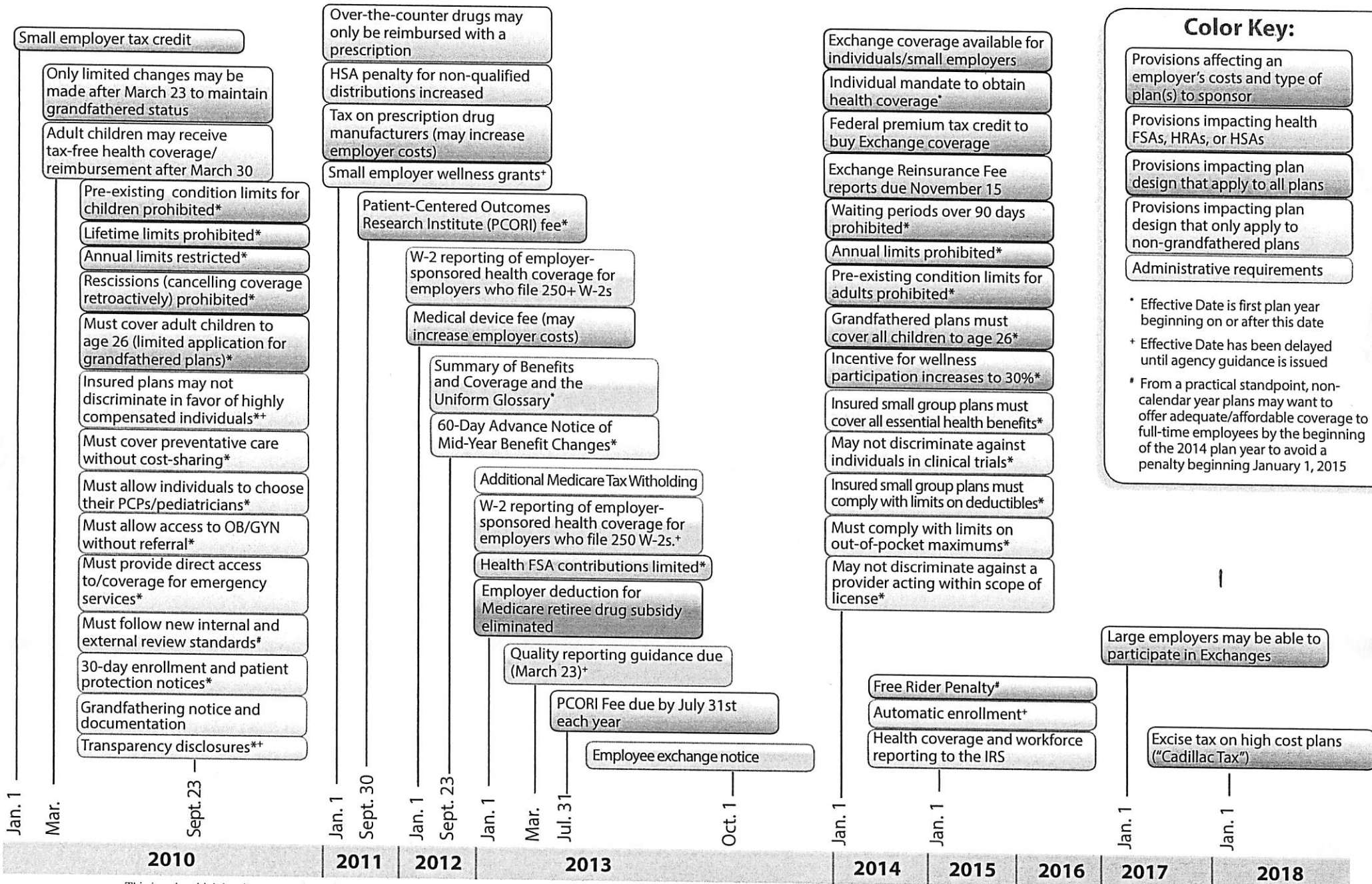
Some products and services may be provided by third party contractors or affiliated companies. Sales tax may apply to some services or deliverables. American Fidelity Administrative Services, LLC does not provide tax or legal advice and, given the complexity of the Health Care Reform rules, we always recommend working with your own legal counsel to discuss how your plans could be affected and to review guidance provided by our AFAS consultants. AFAS consultants provide information for plan sponsors about health and welfare benefit plans but do not provide guidance on specific insurance products; AFAS can provide a referral to an insurance agency if you would like assistance implementing or revising an insurance product.



2000 North Classen Blvd. • Oklahoma City, OK 73106 • 877-302-5073 • AmericanFidelityConsulting.com

Timeline of Effective Dates for Key Health Care Reform Provisions Impacting Plan Sponsors

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This is only a high level summary that reflects our current understanding of select portions of the law, sometimes in the absence of regulations. All of the interpretations contained herein are subject to change as the appropriate agencies publish guidance. The most up-to-date summary of these rules is available on our website at HCReducation.com. American Fidelity does not provide tax or legal advice and you are encouraged to seek the advice of your legal counsel.