



Board of County Commissioners

Resolution No. 2023 –

126

Administrative Committee

**RESOLUTION AUTHORIZING A NON-FAIR AND OPEN CONTRACT BETWEEN
EFFECTV AND THE COUNTY OF SALEM
FOR COMMERCIAL ADVERTISING ON CABLE TELEVISION**

WHEREAS, the County of Salem has a need to acquire commercial TV advertising as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5 for multiple departments within the County to advertise their programs and services on local cable television channels; and

WHEREAS, the Purchasing Agent has determined and certified in writing that the value of the contract will exceed \$17,500; and

WHEREAS, this service can be defined as an Extraordinary Unspecifiable Service (EUS), N.J.S.A. 40A:11-5(1)(a)(ii) an N.J.A.C. 5:34-2.3(b) given only one vendor has the contract for commercial TV advertising in South Jersey; and

WHEREAS, it has been determined that a bid specification would be qualitative in nature and cannot be reasonably described for such a specialized service; and

WHEREAS, the Salem County Purchasing Agent has completed the required certificate for authorizing approval of a resolution through the EUS process; and

WHEREAS, it has been determined that Effectv, a Comcast Company has the only "sole source" ability to execute the cable TV commercials in Salem County and South Jersey; and

WHEREAS, Effectv, has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable contributions to a political or candidate committee in the County of Salem in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of the County of Salem as follows:


1. The Salem County Board of County Commissioners hereby awards a contract to Effectv in the amount not to exceed \$46,000 (Forty-Six Thousand Dollars and Zero Cents) to create and advertise cable TV commercials for Salem County.
2. The contract, commencing March 1, 2023 and terminating upon the completion of the commercial scheduling, with a final date no later than December 31, 2023 and shall be completed in full accordance with the terms and conditions of the contract.

3. The County Commissioner Director and the Clerk of the Board shall be authorized to execute said contract in conjunction with Salem County, subject to the review of the Salem County Counsel.



 BENJAMIN H. LAURY, Director of the Board of
 County Commissioners

I hereby certify the foregoing to be a true resolution adopted by the Salem County Board of County Commissioners at its regular meeting held on March 1, 2023.



 STACY L. PENNINGTON
 Clerk of the Board

RECORD OF VOTE

COMMISSIONER	RESOLUTION MOVED	RESOLUTION SECOND	AYE	NAY	ABSTAIN	ABSENT
E. Ramsay		✓	✓			
C. Taylor			✓			
D. Timmerman			✓			
G. Ostrum Jr.	✓		✓			
B. Laury			✓			

✓ Indicates Vote

Department Initials sh/Purchasing

I, **Kelly A. Hannigan, CFO/Treasurer** of the County of Salem, hereby certify in accordance with **Section 5:34-5 of the Local Public Contracts Guidelines and Local Public Contracts Regulations** that adequate funds for the contract listed below are available and are contained in the **OFFICIAL BUDGET** of the County of Salem.



Kelly A. Hannigan, CFO/Treasurer

AMOUNT:	Not to exceed \$46,000	DATE:	March 1, 2023
ACCOUNT # and NAME:	G-02-41-784-23D-303 OHH Grant	G-02-41-701-22M - MIPPA	
FOR:	Cable Television Commercials for Salem County Programs	G-02-41-747-23G-303	
VENDOR:	Effectv – a Comcast Company	PASP	

**STANDARD CERTIFICATION DECLARATION FOR AN EXTRAORDINARY
UNSPECIFIABLE SERVICE**

TO: Members of the Governing Body
FROM: Kelly Hannigan – Treasurer/CFO
DATE: February 21, 2023
SUBJECT: Contract to run television commercials in the 2023 fiscal year.

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

Firm: Effectv – A Comcast Company

Cost: \$46,000.00

Duration: Throughout the 2023 fiscal year

Purpose: TV commercials for Department of Health, Office on Aging and
Prosecutors Department

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.

Cable television commercials will be run by the Department of Health, Office on Aging and the Prosecutors Office to advertise their programs and services.

2. Describe in detail why the contract meets the provisions of the statute and rules:

Effectv is a sole source provider for cable television advertising in Salem County and South Jersey and is the only company able to run advertisements on cable TV channels in our area.

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:

Cable TV advertising is qualitative in nature and Effectv distributes advertising in Comcast's linear TV and streaming TV premium inventory pools. They are a multiscreen TV provider that has relationships with many TV networks providing access to premium inventory with many programmers. To create bid specifications for this type of work would require expertise and extensive training with a proven reputation of the requirements necessary to create the specifications for this work.


4. Describe the informal solicitation of quotations:

Vendors that were contacted to provide this service were Verizon, Dish and Direct TV and while they have their own cable systems, Effectv Advertising has the contract with these providers to place cable advertising for them.

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,

Name _____


(Signature)

Title _____

CFO/TREASURER

(Original to be retained by governing body's Clerk with the affirmed copy of the resolution; signed duplicate to be kept by appropriate official.)