

# RESOLUTION No. 24-416

Date of Adoption OCT 03 2024

Approved as to form and legality

CITY ATTORNEY

Factual content certified by

Constance S. Ludden  
CONSTANCE S. LUDDEN, TAX COLLECTOR

COUNCILMAN / WOMAN

PRESENTS THE FOLLOWING RESOLUTION:

SPONSORED BY:

**RESOLUTION AWARDING A CONTRACT THROUGH A FAIR AND OPEN PROCESS IN ACCORDANCE WITH N.J.S.A. 19:44 A-20.4 ET SEQ TO REALAUCTION.COM, LLC TO HOST ONLINE TAX SALES FOR THE CITY OF TRENTON, DEPARTMENT OF FINANCE, DIVISION OF TAX DURING THE 2024 TAX YEAR ENDING DECEMBER 31, 2024 AT A RATE OF \$15.00 PER ADVERTISED CERTIFICATE IN AN AMOUNT NOT TO EXCEED \$125,000.00 RFP2024-04**

**WHEREAS**, the City of Trenton has a need to host Online Tax Sales for the City of Trenton, Department of Finance, Division of Tax for a period of one (1) year ending December 31, 2024; and

**WHEREAS**, a request for proposal was advertised by the Purchasing Agent, and one (1) proposal was received on January 25, 2024 in the Division of Purchasing, and was evaluated by a committee based on criteria that included, experience, understanding of requirements and cost; and

**WHEREAS**, the sole proposal of RealAuction.com, LLC, 306 Harlington Road, Belle Meade, New Jersey 08502 was deemed to have the necessary qualifications and expertise for the performance of the services at the rates budgeted; and

**WHEREAS**, funds in an amount not to exceed \$125,000.00 at an hourly rate of \$15.00 per advertised certificate have been certified to be available in the following account number: 4-01- -30-3040-292. The City of Trenton shall award this contract for a period of one (1) year ending December 31, 2024.

**NOW, THEREFORE IT IS RESOLVED**, by the City Council of the City of Trenton, as follows:

1. The Mayor is hereby authorized to enter into a contract with RealAuction.com, LLC, 306 Harlington Road, Belle Meade, New Jersey 08502 for Online Tax Sale Services for a period of one (1) year in an amount not to exceed \$125,000.00 at a rate of \$15.00 per advertised certificate for the City of Trenton, Department of Finance, Division of Tax.
2. This contract is awarded pursuant to the authority set forth in the Local Public Contracts Law at N.J.S.A. 40A:11-5.
3. A notice of this action shall be printed once in the official newspaper for the City of

Trenton and the Resolution and contract shall remain on file in the City Clerk's Office.

MOTION: Frisby					SECON D: Figueroa Kettenburg				
	Aye	Nay	Abstain	Absent		Aye	Nay	Abstain	Absent
EDWARDS	✓				GONZALEZ	✓			
FIGUEROA	✓				HARRISON	✓			
KETTENBURG	✓				WILLIAMS	✓			
FRISBY	✓								

This Resolution was adopted at a Meeting of the City Council of the City of Trenton on

OCT 03 2024

President of Council

City Clerk

**PROFESSIONAL SERVICES CONTRACT**

**RFP2024-04**

**RESOLUTION 24-416**

**AWARDED TO REALAUCTION.COM, LLC TO HOST ONLINE TAX SALES FOR THE DEPARTMENT OF  
FINANCE, DIVISION OF TAX DURING THE 2024 TAX YEAR ENDING DECEMBER 31, 2024**

**THIS CONTRACT** made this **4<sup>th</sup> day** of **OCTOBER 2024** by and between the **CITY OF TRENTON, 319 EAST STATE STREET, TRENTON, NEW JERSEY 08608** a Municipal Corporation of the State of New Jersey, ("City") and **REALAUCTION.COM, LLC, 306 HARLINGTON ROAD, BELLE MEADE, NEW JERSEY 08502** (CONTRACTOR").

**WHEREAS**, the City has a need to provide **TO HOST ONLINE TAX SALES** for the City of Trenton, Department of Finance, Division of Tax.

**WHEREAS**, Contractor agrees to provide **TO HOST ONLINE TAX SALES** for the City of Trenton, Department of Finance, Division of Tax in accordance with the terms and conditions as set forth hereinafter, and the City being agreeable thereto;

**NOW THEREFORE**, the parties mutually agree as follows:

**TO HOST ONLINE TAX SALES**, the City agrees to retain **REALAUCTION.COM, LLC, 306 HARLINGTON ROAD, BELLE MEADE, NEW JERSEY 08502** at the request of and under the general supervision of the City of Trenton, Department of Finance, Division of Tax.

**1. SCOPE OF SERVICES**

**SEE ATTACHED SCOPE OF SERVICES**

**DURATION OF THE CONTRACT:**

This contract shall remain in full force and effect during the 2024 tax year ending **DECEMBER 31, 2024**, in an amount not to exceed **\$125,000.00**.

- 2. STATUS OF CONTRACTOR:** It is expressly understood by and between the parties hereto that the status of the Contractor retained to carry out the services set forth in this agreement is that of an Independent Contractor. It is further understood by and between the parties that is not intended, nor shall it be construed, that the contractor is an agent, employee, or officer of the City of Trenton.
- 3. NOTICES:** Any notices required to be delivered to either party pursuant to this Contract shall be in writing to their respective addresses. The parties shall be responsible for notifying each other of any change of address.
- 4. INTEGRATION:** **Resolution #24-416** and this contract constitutes the entire agreement between the parties and any representation that may have been made prior to the execution of this Contract are nonbonding, void, and of no effect and neither party has relied on any such prior representations in entering this Contract with the City of Trenton, Department of Administration, Division of Information Technology.
- 5. ENFORCEABILITY:** If any term or condition of this Contract or its application to any party or circumstances shall be deemed invalid or unenforceable, the remainder of the Contract and its application to other parties and circumstances shall not be affected.
- 6. GOVERNING LAW:** This Contract shall be governed by the laws of the State of New Jersey.

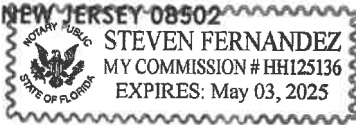
**MISCELLANEOUS PROVISIONS:**

- a. Contractor will not discriminate against any employee or applicant for employment because of age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional or sexual orientation, disability or nationality. Contractor will take affirmative action to ensure that such applicants are recruited and employed and that employees are treated during employment, without regard to their age, race, creed, color, national origin, ancestry, marital status, sex, affectional, gender identity or expression, sexual orientation. Such action shall include, but is not limited to the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Public Agency Compliance Officer setting forth provisions of this nondiscrimination clause;
- b. Contractor, where applicable will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional or sexual orientation.
- c. Contractor, where applicable, agrees to comply with the regulations promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time and the American with Disabilities Act.
- d. Contractor, where applicable, agrees to attempt to schedule minority and female workers consistent with the applicable county employment goals prescribed by N.J.A.C. 17:27-5.2 promulgated by the Treasurer pursuant to P.L. 1975, c. 127, as amended and supplemented from time to time or in accordance with a binding determination of the applicable county employment goals determined by the Affirmative Action Office pursuant to N.J.A.C. 17:27-5.2, amended and supplemented from time to time.
- e. Contractor, where applicable, agrees to inform in writing appropriate recruitment agencies in the area, including employment agencies, placement bureaus, colleges, universities, labor unions that it does not discriminate on the basis of age, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional, sexual orientation, disability or nationality and that it will discontinue the use of any recruitment agency which engages in direct or indirect discriminatory practices.
- f. Contractor, where applicable, agrees to review all procedures relating to transfer, upgrading, downgrading and layoff to ensure that all such actions are taken without regard to age, race, creed, color, national origin, ancestry, marital status, sex, gender identity or expression, affectional, sexual orientation, disability or nationality. Contractor will conform these employment goals consistent with statutes and court decisions of the State of New Jersey, and applicable Federal law and Federal court decisions.
- g. Contractor, where applicable, shall furnish such reports or other documents to the Affirmative Action Office as may be requested by the office from time to time in order to carry out the purposes of these regulations. Contractor shall furnish such information as may be requested by the Affirmative Action Office for conducting a compliance investigation pursuant to Subchapter 10 of the Administrative Code (N.J.A.C. 17:27).
- h. Contractor, shall submit along with the signed contract one of the following as evidence of compliance with N.J.A.C. 17-27:

1. Appropriate evidence that the independent contractor is operating under an existing Federally approved or sanctioned affirmative action program.
2. A certificate of employee information report approval issued in accordance with N.J.A.C. 17:27-4.
3. An initial employee information report (Form AA #302) provided by the Affirmative Action Office and completed by the contractor in accordance with N.J.A.C. 17:27-4

*Handwritten Signature*  
**REALAUCTION.COM, LLC**  
**306 HARLINGTON ROAD**  
**BELLE MEADE, NEW JERSEY 08502**

11-13-24  
**DATE**



**Seal:** \_\_\_\_\_

**Attest:** *Steven Fernandez*

**IN WITNESS WHEREOF**, the parties have hereunto set their hands and seals the day and year above written.

**ATTEST:**

*Brandon L. Garcia*  
**BRANDON L. GARCIA**  
**MUNICIPAL CLERK**

**CITY OF TRENTON**

*W. Reed Gusciora, Esq.*  
**W. REED GUSCIORA, ESQ.**  
**MAYOR**

12/5/24  
**DATE**

11-27-24  
**DATE**

**BID PROPOSAL FORM**  
**RESPONDENT MUST COMPLETE**  
**JANUARY 1, 2024 TO DECEMBER 31, 2024**

**WE THE UNDERSIGNED PROPOSE TO HOST ONLINE TAX SALES SERVICES FOR THE CITY OF TRENTON PURSUANT TO THE SCOPE OF SERVICES AND REQUIREMENTS AND MADE PART HEREOF:**

**PRICE PER ITEM**

\$ 15.00 per advertised certificate

  
(ORIGINAL SIGNATURE BY AUTHORIZED REPRESENTATIVE)

The undersigned is a Corporation, Partnership or Individual under the laws of the State of Florida having its principal office at 861 SW 78th Ave. #B-102, Plantation, FL 33324

COMPANY Realauction.com, LLC

ADDRESS 861 SW 78th Ave. #B-102

ADDRESS Plantation, FL 33324

FED. ID # 20-1751433

NAME Lloyd E. McClendon III

TELEPHONE 954-734-7400 x #206

FAX 954-424-7601

EMAIL lmccclendon@realauction.com

DATE 01/04/24

SIGNATURE 

**REQUEST FOR PROPOSAL FOR HOSTING ONLINE TAX SALES  
FOR THE CITY OF TRENTON  
FOR A PERIOD OF ONE (1) YEAR  
ACCORDANCE WITH N.J.A.C. 5-33-33.1 ET SEQ**

The City of Trenton, Department of Tax is soliciting sealed proposals to host online tax sales for the City of Trenton in Accordance with N.J.A.C. 5-33-33.1 ET SEQ. The City conducts two (2) tax sales per year, (1.) For Water/Sewer between January and March, approximately 2,250 items. (2.) For Taxes in late June, approximately 4,500 items. The contract shall be awarded for a period of one (1) year from January 1, 2024, to December 31, 2024.

Proposals should be in the form of a flat dollar to be charged for each item. For example, \$1, \$5, \$10, \$15 or any amount in between.

**REQUIREMENTS FOR ONLINE BIDDING PROCESS**

The tax lien sale line items shall be publicly available on the vendor's website free-of-charge without requiring registration or membership prior to viewing. Bidding shall open no earlier than upon publication of the newspaper advertisement. Bidder registration shall be online and completed prior to submitting a bid (seven days prior to the tax sale).

Prior to placing a bid, each bidder must post a forfeitable deposit of 10% of the total amount to be purchased at the sale via ACH through the online vendor. A successful bidder who fails to make payment on lien certificates purchased shall forfeit the deposit amount to the municipality. The deposit must be held in the municipality's account and not that of the vendor. Any unused portion of the deposit must be returned to the bidder after the conclusion of the sale. The unused deposits shall be refunded automatically through the vendor's site by ACH.

**The online tax sale platform shall also provide, at a minimum the following:**

1. Detailed online instructions on how to utilize the website
2. The ability to obtain and electronically submit forms (w-9s, bidder information sheets
3. A help desk for tax collectors and bidders through the internet, e-mail, and at least one toll-free number
4. A dedicated telephone hotline available for use by tax collectors until the sale's completion

5. Web-based training, including online tutorials, for both bidders and municipal officials responsible for administering the sale
6. A method by which bidders can practice bidding on the website
7. Available in-person training for municipalities, including a working demonstration of the website and overall system
8. Online display of winning bids immediately upon the auction's completion
9. Notification to winning bidders by email at the bidder's registered e-mail address
10. Provision of the electronic transfer of information and data to and from the municipality, including access for the tax collector to remove and update the tax lien sale list in real time
11. A transaction log for the tax collector to review of all bid submissions and results, along with a detailed history of all funds transferred.
12. A standard complaint procedure for both the municipality and bidders, with a complaint log maintained by the vendor and available for the municipality's inspection.

The tax collector shall have the discretion to select either direct or proxy bidding for the online sale. In a direct bid auction, participants enter a bid for an item at either a specific rate of interest (0% up to 18% in increments of 1%), or a specific dollar amount the bidder is willing to pay as a premium (in increments of \$100), with the successful bidder awarded the lien at the bid entered. Participants in proxy bid auction enter their lowest acceptable interest rate or highest acceptable premium for an item. The auction system monitors all other bids and enters competitive bids on the bidder's behalf at an interest rate increment lower than what would become the next lowest bid. If the interest rate is bid down to zero, and the bidder has entered a maximum premium amount, the system will enter competitive on the bidder's behalf at the next increment higher. The system stops entering

bids on your behalf when you either win the auction or your minimum interest rate or maximum premium bid is reached.

All liens shall be auctions individually, such that a bid will be place on each lien with a winning bidder determined for each lien; bulk sale of liens is prohibited. Bid amounts shall not be visible to the public or to the municipality while the auction is in progress. No officer, employee, or independent contractor of the vendor may participate in the auction. All bid information and participant financial data is deemed property of the municipality.

The online tax sale platform shall enable the tax collector to accept and process ACH and wire payments as well as certified checks or cash. If the tax collector accepts certified checks or cash payments, the tax collector must immediately input data into the online tax sale system to reflect any such payment. Successful bidders must make full payment for liens within close of the business day of the tax sale.

The vendor shall notify all registered bidders of any properties that become available again for bidding due to non-payment by a successful bidder. If the parcel is resold, interest shall be recalculated to the new sale date.

**Minimum Experience for Vendors and Evaluation Criteria**

To be a qualified vendor the following requirement must be met:

1. Be presently conducting online tax sale in at least two (2) states %33
2. Have conducted an online tax sale in the State of New Jersey in the past year %33
3. Have conducted online tax sales in the past two (2) years that have included bidders from more than one state; or Be affirmatively marketing in more than one state a system for performing online tax sales %33



### **VENDOR CYBERSECURITY AND INTERNAL CONTROLS**

Each vendor must demonstrate the following cybersecurity framework.

1. System Hosting
2. Encryption
3. Password policy and staff security education
4. Risk Assessment and security updates
5. Background checks for staff with access to financial and personal identifying information (e.g., prohibiting the use of Social Security numbers as identifiers)
6. Information backup, information disposal, and disaster recovery plans
7. Having a cybersecurity incident response plan and response team (CSIRT) with notification to the municipality of any incident experienced by the vendor.