Ordinance

Ordinance No...75... OF THE Date..10-07-2015...
CITY OF ATLANTIC CITY, N.J. Date to Mayor..10-22-2015

Approved as to Form and Legality on Basis of Facts Set Forth — Factual contents certified to by

Assistant City Solicitor /s/ Karl Timbers — Business Administrator /s/ Arthur M. Liston

Prepared by the City Solicitor's Office

Council Member RANDOLPH & MOORE Presents the following Ordinance:

AN ORDINANCE AMENDING CHAPTER 37. INSURANCE, ARTICLE II. COMPETITIVE CONTRACTING, THAT REQUIRES THE USE OF COMPETITIVE CONTRACTING FOR THE PURCHASE OF INSURANCE CONSULTING SERVICES.

BE IT ORDAINED by the City Council of the City of Atlantic City as follows:

Chapter 37. Insurance

Article II. Competitive Contracting

§ 37-12. Compensation.

A.

Unless written permission is provided by the City, ~~A~~a provider of insurance consulting services to the City of Atlantic City shall be compensated for its services to or on behalf of the City of Atlantic City solely by the City of Atlantic City. Compensation shall be set on a fixed fee or hourly basis, or on such other common and readily comparable basis applicable to all proposers and set forth in the request for proposal documents, provided that compensation shall not be determined as a percentage of premium costs.

B.

Unless written permission is provided by the City, ~~N~~no provider of insurance or of insurance consulting services to the City of Atlantic City shall pay to any insurance consulting service provider to the City of Atlantic City, or to any other third party, any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining the City of Atlantic City's insurance or insurance consulting business.

C.

Unless written permission is provided by the City, ~~N~~no provider of insurance consulting services to the City of Atlantic City shall accept any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, from any provider of insurance, other insurance service provider, or any other third party, in consideration of obtaining or servicing the City of Atlantic City's insurance or insurance consulting business.

D.

Any person or entity proposing to provide insurance or insurance consulting services to the City of Atlantic City shall certify in its proposal that it shall neither pay nor accept any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining or servicing the City of Atlantic City's insurance or insurance consulting business from any party other than the City of Atlantic City.

E.

Any person or entity selected to provide insurance or insurance consulting services to the City of Atlantic City shall certify at least annually, and prior to any renewal of its contract that it has not paid nor accepted any form of compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, in consideration of obtaining or servicing the City of Atlantic City's insurance or insurance consulting business from any party other than the City of Atlantic City.

F.

Any provider of insurance consulting service that assists the City of Atlantic City in soliciting, evaluating, or selecting any provider of insurance or other insurance consulting services to the City of Atlantic City shall disclose to the City of Atlantic City the aggregate compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, it has received in each of the prior three years from each provider of insurance or insurance consulting services solicited or evaluated by the City of Atlantic City. Such disclosure shall be made as soon as practicable, but in no event later than the date of the evaluation report recommending an award by the governing body.

G.

The request for proposals for any insurance or insurance consulting services for the City of Atlantic City shall clearly establish the compensation restrictions and the certification and disclosure requirements established by this article as mandatory, nonwaivable terms, the violation of which ~~shall~~may be grounds for terminating any contract resulting therefrom, and requiring the insurer or insurance service provider to disgorge to the public entity any compensation, including but not limited to commissions, fees, incentives, bonuses, rebates or any other thing of value, paid or received in violation of this article, and a commensurate reduction in premiums to be paid by the public entity for the affected coverage(s) in the future.

H

In limited circumstances, where the commission or fee paid by a third party cannot be avoided and where the fidelity and loyalty of the provider of insurance consulting services that is assisting the City is not compromised, the provider of insurance consulting services may, after having asked for and received written permission from the City, accept commission or fee and the compensation paid by the City shall be reduced by the amount of commission or fee originating from third party.

§ 37-13. Quotations; evaluation report.

Whenever soliciting quotations for insurance coverage, the Business Administrator or his designee shall obtain at least three quotations. ~~and shall submit the request for proposals to at least one joint insurance fund.~~ With respect to health insurance~~, in addition to the joint insurance fund,~~ the Business Administrator shall submit the request for proposal to at least one joint insurance fund and to the State Health Benefits Plan, at the same time it is published, and shall determine if the SHBP and/or joint insurance fund can provide the same or similar coverages. The evaluation report shall include an analysis and discussion of the availability, terms and price of comparable coverage from such joint insurance fund and the SHBP as part of its award recommendation.

SECTION 2. Any Ordinance or parts of any Ordinance inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 3. This Ordinance shall take effect immediately upon its final passage and publication as provided by law.

SH October 22, 2015 9:18 AM 17-B

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE

COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
DELGADO	X					X	MOORE	X				X	
MALIK	X						RANDOLPH	X					
MANCUSO	X						SMALL	X					
MARSH	X						TIBBITT	X					
							GILLIAM, PRESIDENT	X					

X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second

Adopted on first reading at a meeting of the Council of the City of Atlantic City, N.J. on .....OCTOBER 07, 2015.....

Adopted on second and final reading after hearing on...OCTOBER 21, 2015.....

Reconsidered Over

Approved By.../s/.....Date 10/22/15.....By Council.....Ride _____ _____

Mayor Aye Nay

This is a Certified True copy of the Original Ordinance on file in the City Clerk's Office.

/s/ Paula Geletei, ... Rhonda Williams, City Clerk

Deputy City Clerk