



Legislation Details (With Text)

File #: 16-1477 **Version:** 1 **Name:** Interglobe Purchasing Agreement
Type: Resolution **Status:** Adopted
File created: 9/19/2016 **In control:** Administration
On agenda: 12/21/2016 **Final action:** 12/21/2016
Title: Dept/ Agency: Administration/Office of Information Technology
Action: () Ratifying (X) Authorizing () Amending
Type of Service: Telecommunications Services
Purpose: To enter into a Purchasing Agreement with InterGlobe Communications, Inc. for wholesale telecommunications of Verizon Services
Entity Name: InterGlobe Communications, Inc.
Entity Address: 101 Tyrellan Avenue, Staten Island, New York 10309
Contract Amount: \$200,000.00
Funding Source: Office of Information Technology - 71420 Equipment maintenance \$100,000.00/
Office Services - 71510 Telephone Charges \$100,000.00
Contract Period: Upon adoption by the Municipal Council through January 31, 2018
Contract Basis: () Bid () State Vendor () Prof. Ser. (X) EUS
() Fair & Open () No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () n/a
Additional Information:

Sponsors: Council of the Whole

Indexes:

Code sections:

Date	Ver.	Action By	Action	Result
12/21/2016	1	Municipal Council	Adopt	Pass

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Additional Information:

WHEREAS, the City of Newark (“City”) desires to obtain Telecommunications Services at more competitive rates without compromising on quality or service; and

WHEREAS, on March 21, 2013, InterGlobe Communications, Inc. (“InterGlobe”) and Verizon New Jersey Inc. (“Verizon”), a New Jersey corporation, pursuant to Section 252€ of the Telecommunications Act of 1996, P.L. 104-104,110 Stat. 56 (codified in scattered sections of 47 U.S.C. 151 et seq.) (“the Act”) submitted to the New Jersey State Board of Public Utilities (“Board”) a joint application for approval of a certain proprietary negotiated interconnection Agreement (“Agreement”); and

WHEREAS, N.J.S.A. 40A:11-5(f) states that the contract may be awarded without public bidding if it is a service by a public utility which is subject to the jurisdiction of the Board; and

WHEREAS, on May 31, 2013, the Board approved the Agreement as presented by both parties, enabling InterGlobe Communications, Inc., to act as a wholesaler of telecommunications services, et al. as described in the Agreement; and

WHEREAS, the Agreement sets forth the terms, conditions, and prices under which Verizon will offer and provide access to unbundled network elements, ancillary services, and wholesale telecommunications services for resale to InterGlobe Communications Inc., The Agreement continues in full force and effect unless terminated as provided in the Agreement; and

WHEREAS, InterGlobe Communications, Inc., has provided the rates (attached hereto) for the resale of Verizon telecommunication services; and

WHEREAS, this Contract is awarded without competitive bidding as an exception to public bidding, pursuant to *N.J.S.A. 40A:11-5(1)(f)*; and

WHEREAS, Local Public Contracts Law N.J.S.A. 40A:11-1, et seq. requires a resolution of the Governing Body authorizing the award of contracts and further requires that the contract itself must be available for public inspection; and

WHEREAS, the actions contemplated by this Resolution shall result in the award of a non-fair and open contract in accordance with *N.J.S.A. 19:44A-20.5*; and

WHEREAS, InterGlobe Communications, Inc., has completed and submitted a Business Entity Disclosure Certification which certifies that InterGlobe has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit InterGlobe, from making any reportable contributions through the term of the contract; and

WHEREAS, the Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, R.O. 2:4-22C, which forbids the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to Newark Municipal Candidates, office holders having ultimate responsibility for the award of a contract; candidate committees of the aforementioned candidates; and political or political party committees of the City of Newark or County of Essex; and continuing political committees or political action committees regularly engaged in the support of the City of Newark municipal or County of Essex elections; and certain other political party or candidate committees, in excess of certain thresholds.

NOW, THEREFORE, BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Mayor and/or his designees, the Director of Information Technology and the Director of Office Services, is authorized to enter into a purchasing contract (“Contract”) with InterGlobe Communications, Inc., 101 Tyrellan Avenue, Staten Island, New York 10309, for the procurement of wholesale Verizon telephone services at rates approved by the Board, pursuant to N.J.S.A. 40A:11-5(f).
2. The term of the agreement shall have an “effective date” as provided for in the “Service Order Agreement Terms and Conditions;” the term shall continue for “annual periods,” also defined in the agreement to renew automatically, unless the City gives notice 60 days prior to the expiration of the existing term but in no event shall the contract renew for more than 5 years.
3. The amount of the purchasing agreement shall not exceed \$200,000.00 in the aggregate, with \$100,000.00 from Office Services 71510 and \$100,000.00 from Office of Information Technology 72420. Attached hereto is a partial certification of funds in the amount of \$50,000.00 which states that the funds are available for the purposes set forth herein for the 2016 fiscal year. Additional funds for the following years are contingent upon appropriations as required by NJAC 5:30-5.5(c) and NJAC 5:30-5(d)(2). Budget and funds will be certified prior to services being provided by the contractor.
4. This contract is being awarded pursuant to and in compliance with the Non-Fair and Open Procedures of the Pay-to-Play Law, N.J.S.A 19:44A-20.5 et, seq. and the City of Newark Contractor-Pay-to-Play Ordinance, 2:4-22C, and as an exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5 (f) because it is a service by a public utility which is subject to the jurisdiction of the Board; and
5. This Resolution shall take effect immediately upon adoption and authorization of the Municipal Council.
6. The Director of Information Technology and the Director of Office Services shall file a full-executed copy of the Contract in the office of the City Clerk.

STATEMENT

Resolution authorizing the Mayor of the City of Newark and/or his designees, the Director of Information Technology and the Director of Office Services, to enter into a purchasing contract not to exceed \$200,000.00 with InterGlobe Communications, Inc., for the procurement of wholesale Verizon telephone services at rates approved by the Board of Public Utility, pursuant to N.J.S.A. 40A:11-5(f).