



Legislation Details (With Text)

**File #:** 18-0383      **Version:** 1      **Name:** Microsoft Maintenance Contract  
**Type:** Resolution      **Status:** Adopted  
**File created:** 3/19/2018      **In control:** Administration  
**On agenda:** 4/18/2018      **Final action:** 4/24/2018

**Title:** Dept/ Agency: Administration/Office of Information Technology  
Action:  Ratifying  Authorizing  Amending  
Type of Service: Exception to Public Bidding - N.J.S.A. 40A:11-5(1) (dd)  
Purpose: Support, and Maintenance of proprietary computer hardware and software  
Entity Name: Microsoft, through their authorized reseller GovConnection, Inc.  
Entity Address: 732 Milford Road, Merrimack, New Hampshire 03054  
Contract Amount: Amount not to exceed \$1,500,000.00, for two (2) years with one (1) year option to renew  
Funding Source: 2018 Budget  
Contract Period: March 1, 2018 through February 29, 2020, with one (1) year option to renew  
Contract Basis:  Bid  State Vendor  Prof. Ser.  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 |
|-----------|------|-------------------|-----------------|--------|
| 4/24/2018 | 1    | Municipal Council | Adopt           | Pass   |
| 4/18/2018 | 1    | Municipal Council | No Action Taken |        |

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**Additional Information:**

**WHEREAS,** the Office of Information Technology is committed to providing efficient and effective proprietary software to assist in the City of Newark’s day-to-day execution and operation of electronic communication and its support systems; and

**WHEREAS**, the City of Newark has utilized Microsoft for the past fourteen (14) years as the primary operating system for the City's desktop applications, emails, Windows server and systems; and

**WHEREAS**, the City of Newark originally contracted with GovConnection, Inc. (hereinafter "GovConnecton"), 732 Milford Road, Merrimack, New Hampshire 03054, in 2004 under Resolution 7Ra-March 3, 2004, for Microsoft computer software licensing; and

**WHEREAS**, the support and maintenance of proprietary software, which includes Microsoft Office Suite, email, and Windows environment for continued use by the City's departments and agencies is essential for the departments and agencies; and

**WHEREAS**, the annual cost of the support and maintenance is expected to be \$456,900.35 for two (2) years and the option to renew for one additional year will be at the same cost, for a total not to exceed amount of approximately \$1,500,000.00 over that time period; and

**WHEREAS**, pursuant to Local Public Contracts Law *N.J.S.A.* 40A:11-5(1)(dd) a contract for proprietary computer software may be awarded as an exception to public bidding as the provision or performance of goods or services is for the support and/or maintenance of proprietary computer hardware and/or software; and

**WHEREAS**, GovConnection, Inc., trade name GovConnection represents that it is an authorized dealer for Microsoft in the State of New Jersey; and

**WHEREAS**, Microsoft, has represented that they have the exclusive right to make and sell these services which the Business Administrator and Office of Information Technology Director certifies is essential and necessary for the conduct of its affairs, *N.J.S.A.* 40A:11-2(39); and

**WHEREAS**, the Business Administrator has determined and certified in writing that the value of this contract will exceed \$17,500.00; and

**WHEREAS**, this contract is being awarded pursuant to a "non-fair and open" process pursuant to State Pay-to-Play Law *N.J.S.A.* 19:44A-20.5; and

**WHEREAS**, GovConnection, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that GovConnection 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 GovConnection from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Business Entity and any of its subcontractors, if any, have certified that it is in compliance with the Contractor Pay-to-Play Reform Ordinance 2:4-22C.

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

1. The Mayor and/or his designee, the Business Administrator, are hereby authorized to enter into and execute a contract with GovConnection Inc., 732 Milford Road, Merrimack, New Hampshire 03054, to provide Support, and Maintenance of Microsoft's proprietary

computer hardware and software, in order to maintain the City's Microsoft Office Suite, emails, servers, system licensing and use, for an amount not to exceed \$1,000,000.00 for two (2) years commencing March 1, 2018 through February 29, 2020, inclusive of all disbursements, with an option to renew for one (1) additional year, at the same annual payment not to exceed \$500,000.00, inclusive of all disbursements.

2. This contract is ratified from March 1, 2018 through the date of adoption of this resolution.
3. Pursuant to *N.J.A.C. 5:30-5(a)*, Temporary Budget, attached is the Chief Finance Officer's Certification, which states partial funds in the amount of \$87,333.00 are available in the 2018 Temporary Budget, the balance to be provided in the 2018 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
4. This contract is being awarded pursuant to the non-fair and open procedures of State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and pursuant to the provisions of Local Public Contracts Law (*N.J.S.A. 40A:11-5(1) (dd)*), and is in compliance with the Contractor Pay-to-Play Reform Ordinance 2:4-22C.
5. There shall be no amendments or changes to this contract without approval of the Newark Municipal Council.
6. There shall be no advance payments on this contract in accordance with *N.J.S.A. 40A:5-16*.
7. A copy of the contract is attached hereto. The Department of Administration, Director of the Office of Information Technology shall file an executed copy of the aforesaid contract in the Office of the City Clerk.
8. A notice of this action shall be published in a newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of its passage.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Business Administrator, to enter into and execute a contract with GovConnection Inc., 732 Milford Road, Merrimack, New Hampshire 03054, for the provision of Support, and Maintenance of Microsoft proprietary computer hardware and software for an amount not to exceed \$1,000,000.00 for the period commencing March 1, 2018 through February 29, 2020, inclusive of all disbursements with an option to renew for one (1) additional year at the same annual rate not to exceed \$500,000.00, inclusive of all disbursements.