



Legislation Details (With Text)

**File #:** 23-0611      **Version:** 1      **Name:** Resolution: Exception to Public Bidding - Nextgen Healthcare, Inc. EMR  
**Type:** Resolution      **Status:** Adopted  
**File created:** 4/20/2023      **In control:** Health and Community Wellness  
**On agenda:** 6/7/2023      **Final action:** 6/7/2023

**Title:** Dept/ Agency: Health and Community Wellness  
Action: ( ) Ratifying (X) Authorizing ( ) Amending  
Type of Service: Exception to Public Bidding  
Purpose: To provide for the hosting, support, upgrades, maintenance of proprietary software and for existing electronic medical records system, NextGen Healthcare, Inc., a Federally Qualified Health Center.  
Entity Name: NextGen Healthcare, Inc.  
Entity Address: 820 Bear Tavern Road, West Trenton, New Jersey 08628  
Contract Amount: Not to exceed \$400,000.00 per contract year  
Funding Source: 2023 Budget/Department of Health and Community Wellness/NW051-G23-H23G0-7128-B2023  
Contract Period: Not to exceed twenty-four (24) consecutive months, beginning July 1, 2023 and terminating on June 30, 2025  
Contract Basis: ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS  
(X) Non-Fair & Open (X) No Reportable Contributions ( ) RFP ( ) RFQ  
( ) Private Sale ( ) Grant ( ) Sub-recipient (X) Exception to Prior Bidding  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

| Date     | Ver. | Action By         | Action | Result |
|----------|------|-------------------|--------|--------|
| 6/7/2023 | 1    | Municipal Council | Adopt  | Pass   |

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**Additional Information:**

**WHEREAS**, the City of Newark (the “City”) wishes to enter into a contract with NextGen Healthcare, Inc., 820 Bear Tavern Road, West Trenton, New Jersey 08628, to provide an electronic medical records management system, which offers for support, maintenance and enhancement software, for the benefit of the Department of Health and Community Wellness, for a period not to exceed twenty-four (24) consecutive months, in an amount not to exceed Four Hundred Thousand Dollars and Zero Cents (\$400,000.00), for the period July 1, 2023 through June 30, 2024 (Year 1) and Four Hundred Thousand Dollars and Zero Cents (\$400,000.00) for the period of July 1, 2024 through June 30, 2025 (Year 2); and

**WHEREAS**, NextGen Healthcare, Inc., offers support, maintenance and managed services essential for the City’s Department of Health and Community Wellness, and its’ co-affiliate Mary Eliza Mahoney Health Centers, a Federally Qualified Health Center to maintain the electronic medical records management system for use by the medical providers in their clinics; and

**WHEREAS**, NextGen Healthcare, Inc., owns the rights to electronic medical records system and is engaged in the business of providing proprietary software, pursuant to N.J.S.A. 40A:11-2 (39); and

**WHEREAS**, NextGen Healthcare, Inc., has represented they are qualified, by their training and experience, to provide the required services and have the exclusive right to make and sell these goods and services, which the Department of Health and Community Wellness certifies is essential and necessary to conduct its affairs, pursuant to N.J.S.A. 40A:11-2(39); and

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

**WHEREAS**, the Department of Health and Community Wellness 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**, NextGen Healthcare, Inc., has completed and submitted a Business Entity Disclosure Certification, which certifies that NextGen Healthcare, Inc. has not made any contributions to a political or candidate committee in the previous one (1) year, and that the contract will prohibit NextGen Healthcare, Inc., from making any contributions through the term of this contract; and

**WHEREAS**, the Municipal Council adopted New Jersey Municipal Code §2:4-22C.1, which adopted the State of New Jersey’s Pay-to-Play statutory requirements pursuant to N.J.S.A .19:44A-20.5, as may be amended and supplemented, governing eligibility for municipal contracts; and

**WHEREAS**, NextGen Healthcare Inc., the Business Entity, and its subcontractors, if any, have certified that it is in compliance with the aforementioned Municipal and State Pay-to-Play requirements.

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

1. The Mayor of the City of Newark and/or his designee, the Director of the Department of Health and Community Wellness, is hereby authorized on behalf of the City of Newark, to enter into and execute a contract with NextGen Healthcare, Inc., 820 Bear Tavern Road, West Trenton, New Jersey 08628, to provide support and maintenance proprietary software, "NextGen" management system, and associated services for a period not to exceed twenty-four (24) consecutive months, in an amount not to exceed Four Hundred Thousand Dollars and Zero Cents (\$400,000.00), for the period July 1, 2023 through June 31, 2024 (Year 1) and Four Hundred Thousand Dollars and Zero Cents (\$400,000.00), for the period July 1, 2024 through June 30, 2025 (Year 2), for a total not to exceed amount of Eight Hundred Thousand Dollars and Zero Cents (\$800,000.00), for both years.
2. Attached hereto is the Acting Chief Finance Officer's Certification, which states a Partial Certification of Funds in the amount of Four Hundred Thousand Dollars and Zero Cents (\$400,000.00), are available in the 2023 Budget, NW051, G23, H23G0, Account# 7128, the balance to be provided in the 2024 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.
3. 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 Contractor-Pay-to-Play Ordinance, 2:4-22C.1, and as an exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5 (dd), as the goods and services are for the support or maintenance of proprietary software and associated services.
4. NextGen Healthcare, Inc., has represented they are qualified by their training and experience, to provide the required services and have the exclusive right to make and sell these services, which the Department of Health and Community Wellness certifies is essential and necessary to conduct its affairs, pursuant to N.J.S.A. 40A:11-2(39).
5. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A5-16.
6. The contract will contain language prohibiting any contributions in violation of any State or Local law.
7. The Business Entity Disclosure Certification and the Determination of Value be placed on file with this Resolution.
8. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.
9. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of the adoption of this Resolution.
10. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk.

## **STATEMENT**

This Resolution hereby authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Health and Community Wellness, on behalf of the City of Newark, to enter into and execute a contract with NextGen Healthcare, Inc., 820 Bear Tavern Road, West Trenton, New Jersey 08628, to provide proprietary system support, maintenance and enhancement software for the benefit of the City's use of the electronic medical records system known as, "NextGen" management system, in order to maintain the software's operational health and functionality, and associated services, for a period not to exceed twenty-four (24) consecutive months, beginning on July 1, 2023 and terminating on June 30, 2025, for an amount not to exceed \$400,000.00 per year, at an amount not to exceed \$800,000.00, for both years.