



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 21-0567, Version: 1

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: To 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: Not to exceed \$1,350,000.00 over two (2) years

Funding Source: 2021 Budget/Department of Administration/NW 011, Dept. 030, Div./Proj. 0306, Activity A, Account #71450, Budget Ref. 2021

Contract Period: March 1, 2021 through February 28, 2023 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:

Partial Certification of Funds in the amount of \$583,400.98.

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 seventeen (17) 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 "GovConnection"), 732 Milford Road, Merrimack NH 03054, in 2004, under Resolution 7Ra March 3, 2004, and again in 2018 under Resolution 7R1-g April 24, 2018 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 of proprietary software is expected to be between \$583,400.98 to \$675,000.00 maximum depending on usage, inclusive of all

disbursements, each year for two (2) years and the option to renew for one (1) additional year will be at the same cost, for a total not to exceed \$1,350,000 over that time period; and

WHEREAS, pursuant to Local Public Contracts Law N.J.S.A. 40A:11-5(1)(dd) such 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 it has the exclusive right to make and sell these services which the Business Administrator and the Office of Information Technology 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 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, a certification of funds, as required by N.J.A.C. 5:30-5.5(d) for this maintenance contract, shall be provided for subject to the availability and appropriation annually of sufficient funds in the 2021 through 2023 Budgets and executed therein. A copy of the Certification of Funds, when issued, shall be filed in the Office of the City Clerk; 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, NH 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 \$1,350,000.00 for the period commencing March 1, 2021 through February 28, 2023, inclusive of all

disbursements, with an option to renew for one (1) additional year, at the same annual payment not to exceed \$675,000.00, inclusive of all disbursements.

2. This contract is ratified from March 1, 2021 through the date of adoption of this resolution.
3. Pursuant to N.J.A.C. 5:30-5(d), attached is the Chief Finance Officer's Certification, which states that funds in the amount of \$583,400.98 are available in the Budget. The Certification shall be filed, along with the original resolution, shall be filed in the Office of the City Clerk. The remainder of the funding for this contract will be subject to appropriation in the 2022 Budget (and 2023 Budget, if the contract is extended) and said funds will be certified prior to services being provided by the contractor. There will be no expenditure of funds authorized until a certification of funds is obtained and a copy filed with 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. The Department of Administration, Manager of the Office of Information Technology shall file an executed copy of the 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, NH 03054, for the provision of Support and Maintenance of Microsoft proprietary computer hardware and software for an amount not to exceed \$1,350,000.00 for the period commencing March 1, 2021 through February 28, 2023, inclusive of all disbursements, with an option to renew for one (1) additional year at the same annual rate not to exceed \$675,000.00, inclusive of all disbursements.