



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0550, Version: 1

Dept/ Agency: Administration/Division of Central Purchasing
Action: (X) Ratifying (X) Authorizing () Amending
Type of Service: Exception to Public Bidding-N.J.S.A. 40A:11-5(1)(dd)
Purpose: System Support, Training, Enhancement and Maintenance of proprietary software
Entity Name: SCUBEL LLC
Entity Address: 190 Route 18, Suite 101, East Brunswick, New Jersey 08816
Contract Amount: \$1,022,400.00
Funding Source: 2019 Budget/Department of Administration/Office of Information Technology/011-200-2001-96700-B2019
Contract Period: January 1, 2019 through December 31, 2019
Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS
() Fair & Open (X) No Reportable Contributions () RFP () RFQ
() Private Sale () Grant () Sub-recipient () N/A
Additional Information:

WHEREAS, the Office of Information Technology is committed to providing an efficient and effective enterprise resource planning system to assist in the day-to-day execution and operation of the City's accounting, financial, and human resources functions, including Public Safety; and

WHEREAS, the Office of Information Technology has a need to enter into a contract with SCUBEL LLC (hereinafter "SCUBEL ") for Support, Training, and Maintenance of the PeopleSoft environment with SCUBEL enhancements in order to maintain the software's overall operational health and functionality for an amount not to exceed \$1,022,400.00 for the period commencing January 1, 2019 through December 31, 2019; and

WHEREAS, this maintenance contract is essential for the Office of Information Technology to provide an enterprise resource planning system for use by City's Finance and Human Resources Departments; and

WHEREAS, SCUBEL for the past seventeen (17) years, has been the functional and technical support of the PeopleSoft environment to create the enterprise resource planning system for the City; and

WHEREAS, SCUBEL has represented that they are qualified by their training and experience to provide the required services and that they have the exclusive right to make and sell these services which 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, pursuant to Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(dd), such a contract for proprietary computer system 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, the Office of Information Technology has determined and certified in writing that the value of this contract will exceed \$40,000.00; and

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

WHEREAS, SCUBEL has completed and submitted a Business Entity Disclosure Certification which certifies that SCUBEL has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and the contract will prohibit SCUBEL from making any reportable contributions through the term of the contract; and

WHEREAS, the Director of Finance has certified the partial availability of funds for \$223,125.00 with a Certification of Funds from Account Code Line: NW011-200-2001-A-96700-B2019, is attached hereto; 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 SCUBEL LLC, 190 Route 18, Suite 101, East Brunswick, New Jersey 08816, for Support, Training, and Maintenance of the PeopleSoft environment with SCUBEL enhancements in order to maintain the software’s overall operational health and functionality, for an amount not to exceed \$1,022,400.00 for the period commencing January 1, 2019 through December 31, 2019, inclusive of all disbursements.
2. This contract is ratified from January 1, 2019 to the date of adoption of this resolution.
3. Pursuant to N.J.A.C. 5:30-5(a), Temporary Budget, attached hereto is the Chief Finance Officer’s Certification, which states partial funds in the amount of \$223,125.00 is available in the 2019 Temporary Budget from Account Code Line: NW011-200-2001-A-96700-B2019; the balance to be provided in the 2019 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 in compliance with the Contractor Pay-to-Play 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. A duly executed copy of the aforesaid contract shall be filed in the Office of the City Clerk by the Office of Information Technology.
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 SCUBEL LLC, 190 Route 18, Suite 101, East Brunswick, New Jersey 08816 for Support, Training, and Maintenance of the PeopleSoft environment with SCUBEL LLC, enhancements in order to maintain the software's overall operational health and functionality for an amount not to exceed \$1,022,400.00, for the period commencing January 1, 2019 through December 31, 2019, inclusive of all disbursements.