



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 21-0926, Version: 1

Dept/ Agency: Offices of Municipal Council/City Clerk

Action: () Ratifying (X) Authorizing () Amending

Type of Service: Exception to Public Bidding - N.J.S.A. 40A:11-5(1)(dd) provides for the award of a contract for proprietary computer system 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.

Purpose: Contract to provide the hosting, support, upgrades, maintenance and managed services of computer hardware and software for Legistar, the Legislative Management Software.

Entity Name: Granicus, LLC

Entity Address: 408 Saint Peter Street, Suite 600, Saint Paul, Minnesota 55102

Contract Amount: Not to exceed \$215,155.36

Funding Source: 2021 Budget/Office of the City Clerk/NW011-020-0201-07128

Contract Period: February 1, 2022 through January 31, 2024

Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS

(X) Non-Fair & Open (X) No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () n/a

Additional Information:

Partial Certification of Funds in the amount of \$103,939.79.

WHEREAS, the Office of the City Clerk is committed to providing efficient and effective means to process and maintain the City of Newark's legislation and best practices for the City's administrative and legislative branches in the performance of their duties with continued transparency while performing these functions; and

WHEREAS, the City Clerk, on behalf of the City of Newark desires to enter into a contract with Granicus, LLC, 408 Saint Peter Street, Suite 600, Saint Paul, Minnesota 55102 to provide for the hosting, support, upgrades, maintenance and managed services of computer hardware and software of the system known as, Legistar the Legislative Management Software, a proprietary system, in order to maintain the software's operational health and functionality for an amount not to exceed Two Hundred Fifteen Thousand One Hundred Fifty-Five Dollars and Thirty-Six Cents (\$215,155.36), for the period of February 1, 2022 through January 31, 2024; and

WHEREAS, this support, maintenance and managed services contract is essential for the City Clerk to continue to provide a fully integrated Workflow and Agenda Management System for use by the Municipal Council and City Departments; and

WHEREAS, Granicus, LLC owns the rights to Legistar the Legislative Management Software System, and is engaged in the business of providing various "goods and services" ("...including any work, labor, commodities, equipment, materials or supplies of any tangible or intangible nature..." N.J.S.A. 40A:11-2 (24)) of the proprietary hardware and software; and

WHEREAS, Granicus, LLC, 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 goods and services, which the City Clerk 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 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 City Clerk 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, Granicus, LLC, has completed and submitted a Business Entity Disclosure Certification, which certifies that Granicus, LLC, has not made any contributions to a political or candidate committee in the previous one (1) year, and that the contract will prohibit Granicus, LLC, 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, 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 City Clerk is hereby authorized on behalf of the City of Newark to enter into and execute a contract with Granicus, LLC, 408 Saint Peter Street, Suite 600, Saint Paul, Minnesota 55102, to provide the support and maintenance of the proprietary software, Legistar the Legislative Management Software, and associated services, in an amount not to exceed Two Hundred Fifteen Thousand One Hundred Fifty-Five Dollars and Thirty-Six Cents (\$215,155.36), for the period of February 1, 2022 through January 31, 2024.
2. Pursuant to N.J.A.C. 5:30-5(a), Temporary Budget, 2021 Adopted Budget, attached hereto is the Chief Finance Officer's Certification, which states partial funds in the amount of One Hundred Three Thousand Nine Hundred Thirty-Nine Dollars and Seventy-Nine Cents (\$103,939.79) are available in the 2021 Budget, Business Unit NW011, Dept. 020, Div./Proj. 0201, Account #71280, the balance to be provided in the 2022 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, and as an exception to the Local Public Contracts Law, N.J.S.A. 40A:11-5 (dd) because these goods and services are for the support or maintenance of proprietary software and associated services.

4. Granicus, LLC, 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 City Clerk certifies is essential and necessary for the conduct of its affairs N.J.S.A. 40A:11-2(39).
5. The contract will contain language prohibiting any contributions in violation of any state or local law.
6. That the Business Entity Disclosure Certification and the Determination of Value be placed on file with this Resolution.
7. 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.

STATEMENT

This Resolution hereby authorizes the City Clerk on behalf of the City of Newark, to enter into and execute a contract with Granicus, LLC, 408 Saint Peter Street, Suite 600, Saint Paul, Minnesota 55102, to provide for the hosting, support, upgrades, maintenance and managed services of computer hardware and software of the system known as, Legistar the Legislative Management Software, which is a proprietary system, in order to maintain the software's operational health and functionality, and associated services for an amount not to exceed \$215,155.36 for the period of February 1, 2022 through January 31, 2024.