



## Legislation Text

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File #: 24-0247, Version: 1

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**Dept/ Agency:** Administration/Office of Management and Budget

**Action:**  Ratifying  Authorizing  Amending

**Type of Service:** Exception to Public Bidding - specific exception N.J.S.A. 40A:11-5(1)(dd)

**Purpose:** To provide support and maintenance of proprietary computer software and hardware.

**Entity Name:** Microsoft, through their authorized reseller GovConnection, Inc.

**Entity Address:** 732 Milford Road, Merrimack, New Hampshire 03054

**Contract Amount:** Not to exceed \$775,000.00

**Funding Source:** Fund 011; Department 030; Agency 0306; Account 71450

**Contract Period:** For a period not to exceed twelve (12) months, commencing on March 1, 2024 through February 28, 2025,

**Contract Basis:**  Bid  State Vendor  Prof. Ser.  EUS

Fair & Open  No Reportable Contributions  RFP  RFQ

Private Sale  Grant  Sub-recipient  n/a

**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 ("City") 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 originally contracted with GovConnection, Inc. (hereinafter "GovConnecton"), 732 Milford Road, Merrimack, New Hampshire 03054, in 2004 under Resolution 7Ra adopted on March 3, 2004, again in 2018 under Resolution 7R1-g adopted on April 24, 2018, and again in 2021, under Resolution 7R1-a(S) adopted on July 20, 2021, 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 an amount not to exceed Seven Hundred Seventy Five Thousand Dollars and Zero Cents (\$775,000.00) for a period of twelve (12) months, commencing on March 1, 2024 through February 28, 2025; 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 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 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 Seventeen Thousand Five Hundred Dollars and Zero Cents (\$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 (1) 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 2024 through 2026 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 of the City of Newark 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 of Newark’s Microsoft Office Suite, emails, servers, system licensing and use, for an amount not to exceed Seven Hundred Seventy Five Thousand Dollars and Zero Cents (\$775,000.00) for a period not to exceed twelve (12) months, commencing on March 1, 2024 through February 28, 2025.
2. This contract is ratified from March 1, 2024 through the date of adoption of this Resolution.
3. A copy of the Certification of Funds when issued, along with the original Resolution, shall be filed 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 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, Manager 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 of the City of Newark 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 \$775,000.00 for a period not to exceed twelve (12) months, commencing March 1, 2024 through February 28, 2025.