



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 23-1947, Version: 1

Dept./ Agency: Finance

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

Type of Service: Exception to Public Bidding - for Goods and Services provided in Support or Maintenance of Proprietary Software

Purpose: To provide software maintenance and upgrades.

Entity Name: H&L Systems, Inc.

Entity Address: Toms River, New Jersey 08753

Contract Amount: Not to exceed \$400,000.00

Funding Source: 2024 and 2025 Budgets/Department of Finance/NW011-200-2001-96800-B2024

Contract Period: January 1, 2024 through December 31, 2025

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:

This contract is an exception to public bidding pursuant to N.J.S.A. 40A:11-5(1)(dd).

WHEREAS, the Department of Finance and the Office of the Tax Collector is committed to ensuring that the City of Newark ("City") has access to comprehensive and integrated municipal revenue collection software; and

WHEREAS, the Director of the Department of Finance desires to enter into a contract with H&L Systems, Inc., 89 Oak Glen Road, Toms River, New Jersey 08753 ("H&L Systems"), for the provision of support and maintenance services for, and upgrades of, its proprietary integrated municipal revenue collection software (inclusive of real estate property taxes, tax abatements, special taxes, and Water and Sewer Utility payments) for an amount not to exceed Four Hundred Thousand Dollars and Zero Cents (\$400,000.00), for the period commencing January 1, 2024 and terminating on December 31, 2025; and

WHEREAS, the Assistant Director of Finance has certified pursuant to N.J.S.A. 40A:11-2(39) that said support, maintenance and upgrade services are unique and essential for the efficient collection of city revenues; and

WHEREAS, H&L Systems, Inc. has represented that they are qualified, by their training and experience, to provide the required services, and that they are the sole source provider of the aforementioned goods and services; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(dd) a contract for goods and services in support of proprietary hardware and software may be awarded as an exception to public bidding; and

WHEREAS, the Assistant Director of the Department of Finance 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 the Contractor Pay-to-Play Reform Ordinance, 2:4-22C; and

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

WHEREAS, the Director of the Department of Finance has certified that sufficient funds are available in the temporary budget account NW011-200-2001-96800-B2024 for a prorated amount of the contract.

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 Finance are hereby authorized to enter into and execute a contract with H&L Systems, Inc., 89 Oak Glen Road, Toms River, New Jersey 08753, for the provision of support, maintenance services and upgrades of the integrated municipal revenue collection software (inclusive of Property Taxes, Special Taxes, and Water and Sewer accounts) “Tax Office for Windows” which is proprietary software, in order to maintain the software’s overall operational health, for an amount not to exceed Four Hundred Thousand Dollars and Zero Cents (\$400,000.00), for the period commencing on January 1, 2024 and terminating on December 31, 2025.
2. This contract is hereby ratified from January 1, 2024 to the date of adoption of this authorizing Resolution.
3. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is the Director of the Department of Finance Partial Certification of Funds, which states that partial funds in the amount of Thirty-Seven Thousand Five Hundred Dollars and Zero Cents (\$37,500.00) are available in the 2024 Temporary Budget, Unit NW011, Dept. 200, Div/Proj. 2001, Account# 96800. The remaining funds will be certified from 2024 and 2025 budgets.
4. 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 City of Newark Contractor-Pay-to-Play Ordinance, 2:4-22C, and as an exception to public bidding pursuant to N.J.S.A. 40A:11-5(1)(dd) because these are goods and services provided in support or maintenance of proprietary software.
5. H&L Systems has represented that they are qualified by their training and experience and have the exclusive right to provide the required services, which the Assistant Director of the Department of Finance certifies are essential and necessary for the conduct of its affairs pursuant to N.J.S.A. 40A:11-2 (39).

6. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16, and payment beyond the amount stated in the Finance Director's Partial Certification of Funds shall be subject to the availability and appropriation of funds.
7. The Partial Certification of Funds, Business Entity Disclosure Certification and the Determination of Value Letter are attached in support of this Resolution and shall be placed on file with the Office of the City Clerk by the Director of the Department of Finance ("Director"). The Director shall prepare and file herewith subsequent certification(s) of available funds for the remaining balance of the contract. A copy of the contract is attached hereto. The contract contains language prohibiting any contributions in violation of any State or Local Law.
8. Notice of this action shall be published in the newspaper authorized to publish legal advertisements as required by law.
9. A copy of the authorized executed contract shall be filed in the Office of the Office of the City Clerk.

STATEMENT

This Resolution ratifies and authorizes the Mayor of the City of Newark and/or his designee, the Director of the Department of Finance to enter into and execute a contract with H&L Systems, Inc., 89 Oak Glen Road, Toms River, New Jersey 08753, for the provision of support, maintenance services and upgrades of proprietary, integrated, municipal revenue collection software, (including Real Property Taxes, Special Taxes, Tax Abatement and Water and Sewer accounts) "Tax Office for Windows," in order to maintain the software's overall operational health, for a contract amount not to exceed \$400,000.00, for the period commencing January 1, 2024 and terminating on December 31, 2025.