



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-1045, Version: 1

Dept/ Agency: Public Safety/Office of Emergency Management

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

Type of Service: Exception to Public Bidding - specific exception

Purpose: Citizens' Emergency Alert System Renewal

Entity Name: SwiftReach Networks, LLC

Entity Address: 492 Old Connecticut Path, Suite 210, Framingham, Massachusetts 01701

Contract Amount: Not to exceed \$96,000.00

Funding Source: Office of Emergency Management and Homeland Security UASI FY19 Funds

Contract Period: January 1, 2020 through December 31, 2021

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:

Support and maintenance of proprietary hardware and software, N.J.S.A. 40A:11-5(1)(dd).

The Funding Source is Grant Funds.

No Municipal Funds will be expended.

WHEREAS, the Department of Public Safety, Office of Emergency Management is committed to providing efficient and effective Citizens' Emergency Alert System to the City of Newark and its citizens; and

WHEREAS, the City of Newark (the "City"), by way of public bidding, engaged SwiftReach Networks, Inc. for the past four (4) years as the primary Mass Notification System for the citizens of the City; and

WHEREAS, the City originally contracted with SwiftReach Networks, LLC (hereinafter "SwiftReach"), 492 Old Connecticut Path, 2nd Floor, Framingham, Massachusetts 01701, in 2015 under Resolution 7R1-j adopted on November 5, 2015 for the Emergency Mass Notification System; and

WHEREAS, the renewal of our SwiftReach contract is essential for the Department of Public Safety, Office of Emergency Management, to provide support and maintenance of proprietary software and hardware, which includes: Fully hosted platform operated on the SwiftReach NDN™ telecom network, Customizable contact management, Unlimited system users, Voice (Recorded or Text-to-Speech with TTY/TDD, Email, Fax, Pager, Social Media, RSS, IPAWS, GIS Mapping, Special Events Manager, NWS Automated Weather Alerts, SwiftReach provided inbound hotline(s) and conference bridge, Mobile Apps - Swift911™ Mobile & Swift911™ Public, Real time detailed

reporting, and 24/7/365 live customer support and unlimited live webinar training for use by the City's essential Departments and agencies for the citizens of the City; and

WHEREAS, the annual cost of this service is expected to be Forty-Eight Thousand Dollars and Zero Cents (\$48,000.00) each year for two (2) years and should not exceed Ninety-Six Thousand Dollars and Zero Cents (\$96,000.00) 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, SwiftReach, which is in part owned by Rave Wireless, Inc., 492 Old Connecticut Path, 2nd Floor, Framingham, Massachusetts 01701 (and Rave Wireless, Inc. is in part owned by Technology Crossover Ventures, L.P. 250 Middlefield Road, Menlo Park, California 94025) has represented that they have the exclusive right to make and sell these services which the Coordinator of the Office of Emergency Management, Department of Public Safety certifies is essential and necessary for the conduct of its affairs, N.J.S.A. 40A:11-2(39); and

WHEREAS, the Coordinator of the Office of Emergency Management, Department of Public Safety 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 Law, N.J.S.A. 19:44A-20.5; and

WHEREAS, SwiftReach has completed and submitted a Business Entity Disclosure Certification, which certifies that SwiftReach 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 SwiftReach from making any reportable contributions through the term of the contract; 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 Coordinator of the Office of Emergency Management, Department of Public Safety, are authorized to enter into and execute a contract with SwiftReach Networks, LLC, 492 Old Connecticut Path, 2nd Floor, Framingham, Massachusetts 01701, to provide support and maintenance of proprietary software and hardware, which includes: Fully hosted platform operated on the SwiftReach NDN™ telecom network, Customizable contact management, Unlimited system users, Voice (Recorded or Text-to-Speech with TTY/TDD, Email, Fax, Pager, Social Media, RSS,

IPAWS, GIS Mapping, Special Events Manager, NWS Automated Weather Alerts, SwiftReach provided inbound hotline(s) and conference bridge, Mobile Apps - Swift911™ Mobile and Swift911™ Public, Real time detailed reporting, and 24/7/365 live customer support and unlimited live webinar training for use by the City's essential Departments and agencies for the citizens of the City, for an amount not to exceed Ninety-Six Thousand Dollars and Zero Cents (\$96,000.00) for the period commencing January 1, 2020 through December 31, 2021, inclusive of all disbursements.

2. This contract is ratified from January 1, 2020 through the date of adoption of this authorizing resolution.
3. A partial Certification of Funds from: Business Unit NW051, Dept. G19, Div. /Proj. P1940, Activity A, Account # 71280, Budget Ref B2019 in the amount of Forty-Eight Thousand Dollars and Zero Cents (\$48,000.00) for year one (1) is attached hereto. Funds for this contract are provided by the UASI FY19 Grant.
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. SwiftReach 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 provide 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)).
6. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.
7. The 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.
8. There shall be no amendments or changes to this contract without approval of the Municipal Council.
9. The contract will contain language prohibiting any contributions in violation of any State or local law.
10. A copy of the contract is attached hereto. A duly executed copy of the contract shall be filed in the Office of the City Clerk by the Coordinator of the Office of Emergency Management, Department of Public Safety.
11. 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 Coordinator of the Office of Emergency Management, Department of Public Safety, to enter into and execute a contract with SwiftReach Networks, LLC, 492 Old Connecticut Path, 2nd Floor, Framingham, Massachusetts 01701, for the provision of the Citizens' Emergency Alert Mass Notification System for an amount not to exceed \$96,000.00, for a two (2) year period commencing January 1, 2020 through December 31, 2021.