



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 13-0854, Version: 1

Dept/ Agency: Administration/Office of Management & Budget

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

Type of Service: Support maintenance, upgrade of proprietary computer hardware and software

Purpose: To provide System Support, Maintenance and Enhancement for an existing Licensed Oracle/PeopleSoft Enterprise System Implementation.

Entity Name: Scubel, LLC

Entity Address: 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816

Contract Amount: Not to exceed \$1,389,760.00

Funding Source: City of Newark Budget/Office of Management and Budget

Contract Period: July 7, 2013 through July 6, 2014

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

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

() Private Sale () Grant () Sub-recipient (X) N.J.S.A. 40A:11-5(1)(dd))

Additional Information:

Exercising option to renew the contract for one (1) year via Resolution #7R1-j 070312

No Action Taken 7R1-c 100213

No Action Taken 7R1-c 101013

WHEREAS, the City of Newark (the "City") is in need of System Support, Maintenance and Enhancement for an existing Licensed Oracle/PeopleSoft Enterprise System Implementation; and

WHEREAS, pursuant to Resolution 7R1-J adopted on July 3, 2012, the Business Administrator and the Director of the Office of Management and Budget entered into contract with Scubel, LLC, for the provision of these services with an option to renew and/or extend the contract for an additional one (1) year; and

WHEREAS, due to the efficient and effective performance of Scubel, LLC, as well as the nature of the work performed by the company and the City's ongoing projects, the City wishes to continue working with Scubel, LLC, for System Support, Maintenance and Enhancement for an existing Licensed Oracle/PeopleSoft Enterprise System Implementation, which the Director of the Office of Management and Budget (OMB) certifies is essential in order to conduct its affairs (*N.J.S.A. 40:A :11-2 (39)*); and

WHEREAS, the City wishes to renew the contract with Scubel, LLC., located at 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816, for the provision of System Support, Maintenance and Enhancement for an existing Licensed Oracle/PeopleSoft Enterprise System Implementation in an amount not to exceed \$1,389,760.00 and to extend the existing agreement for one (1) year for a period commencing July 7, 2013 terminating on July 6, 2014; and

WHEREAS, this contract is awarded without competitive bidding as an exception to Local Public Contract Law *N.J.S.A. 40A:11-5(1)(dd)*; and

WHEREAS, this contract is for an amount over \$17,500.00 and is being awarded as a non-fair and open contract pursuant to State Pay to Play Law *N.J.S.A. 19:44A-20.5*; and

WHEREAS, the Director OMB has determined and certified in writing that the value of this contract shall exceed \$17,500.00; and

WHEREAS, pursuant to the Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(dd)*), such a contract is essential for the provision or performance of goods or services for the System Support, Maintenance and Enhancement for an existing Licensed Oracle/PeopleSoft Enterprise System Implementation; and

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

WHEREAS, the Mayor of the City of Newark signed into law Executive Order Number MEO-07-0001 (hereinafter "Pay to Play Executive Order"), which requires reporting of political contributions to Newark Municipal Candidates and prohibits certain political contributions during the duration of the contract; and

WHEREAS, the Director Finance has certified the partial availability of funds in the amount of \$400,000.00 with a certification of funds from: Fund 011, Department 200, Division 2001, Activity A, Account 96700, Budget: B2013 is attached hereto.

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 and the Director of the Office of Management and Budget are hereby authorized to renew and execute a contract with Scubel, LLC located at 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816, to provide System Support, Maintenance and Enhancement for an existing Licensed Oracle/PeopleSoft Enterprise System Implementation for the City of Newark in an amount not to exceed \$1,389,760.00 for the period commencing July 7, 2013 and terminating on July 6, 2014.
2. The Municipal Council hereby ratifies its authorization of the contract between the City of Newark and Scubel, LLC from July 7, 2013 through the date of adoption of this authorizing resolution.
3. Attached hereto is a partial Certification of Funds in the amount \$694,879.79 which states that there are available legally appropriated funds from the temporary budget for the purpose set forth hereinabove, as follows
\$150,000.00 Fund 011, Department 200, Division 2001, Activity A, Account 96700, Budget: B2013; and
\$250,000.00 Fund 011, Department 200, Division 2001, Activity A, Account 96700, Budget: B2013

\$294,879.79 Fund 011, Department 200, Division 2001, Activity A, Account 96700, Budget B2013

The Comptroller's Certifications shall be filed along with the original resolution in the Office of the City Clerk.

The Office of Management and Budget has determined that funds will be available and will be allocated in the 2014 Budget of the Department of the Business Administrator, Office of Management and Budget and included in a line item for the award of this contract and this contract shall be subject to that appropriation. There will be no expenditure of funds authorized until a certification of funds is obtained and a copy filed with the City Clerk.

4. This is an open-ended contract to be used as needed during the term of the contract. Thus, for any and all expenditures against this contract, certification of the availability of sufficient funds, as required by *N.J.A.C. 5:30-5.5(c)(1)* and/or *N.J.A.C. 5:30-5.5(c)(2)*, shall be executed before a contractual liability is incurred each time an order is placed, covering the amount of the order. If operating under a temporary budget, the City shall comply with *N.J.A.C. 5:30-5.5(a)(1) and (2)*.
5. This contract extension is awarded pursuant to the non-fair and open procedures of the State Pay-to-Play Law (*N.J.S.A. 19:44A-20.5*) and pursuant to the provisions of the State Local Public Contracts Law (*N.J.S.A. 40A:11-5(1)(dd)*), and is in compliance with Newark Executive Order MEO-07-0001, effective March 31, 2007.
6. Scubel, LLC has completed and submitted a Business Entity Disclosure Certificate, which certifies that Scubel, LLC has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one (1) year, and this contract will prohibit Scubel, LLC from making reportable contributions through the term of contract.
7. The Determination of Value is attached and shall be filed with the Office of City Clerk.
8. There shall be no amendments or changes of this contract without approval of the Newark Municipal Council.
9. There shall be no advance payments on this contract in accordance with *N.J.S.A. 40A:5-16*.
10. A duly executed copy of the contract shall be forthwith filed in the Office of the City Clerk by the Director of the Office of Management and Budget.
11. A notice of this action shall be published in the newspaper authorized by law to publish a legal advertisement and as required by law within ten (10) days of its passage.

STATEMENT

This resolution hereby ratifies and authorizes the Mayor and/or his designee, the Business Administrator and the Director of the Office of Management and Budget to renew and execute a contract with Scubel, LLC located at 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816, to provide System Support, Maintenance and Enhancement for an existing Licensed

Oracle/PeopleSoft Enterprise System Implementation in an amount not to exceed \$1,389,760.00 for the period commencing July 7, 2013 and terminating on July 6, 2014.