



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 12-2108, Version: 1

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**Dept/ Agency:** Police

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

**Type of Service:** Professional Services Contract

**Purpose:** To provide maintenance services and upgrades to the gunshot detection and location system

**Entity Name:** Shotspotter Inc.

**Entity Address:** 1060 Terra Bella Drive, Mountain View, California, 94043-1881

**Contract Amount:** \$370,800.00

**Funding Source:** Police Department Budget

**Contract Period:** July 1, 2012 through June 30, 2014

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

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

( ) Private Sale ( ) Grant ( ) Sub-recipient ( ) N/A

**Additional Information:**

**WHEREAS**, the City of Newark implemented the Community Eye Initiative, which consists of improvements to the City's public safety wireless network, including the installation of up to fifty (50) public safety cameras, and the deployment of up to seven (7) square miles of acoustic gunshot detection technology to cover an area of the City in which approximately 80% of confirmed gunfire has occurred over the course of several years; and

**WHEREAS**, in working towards the implementation of the Community Eye Initiative the Community Foundation of New Jersey (CFNJ), pursuant to *N.J.S.A. 40A:5-29*, purchased, installed and gifted to the City of Newark the cameras, gunshot detection system, and corresponding public safety wireless network upgrades in order to assist the City in its efforts to reduce gun violence and overall crime; and

**WHEREAS**, pursuant to Resolution 7R11-b adopted on March 5, 2008, the Acting Police Director accepted the gift from the Community Foundation of New Jersey for the purchase and installation, including, but not limited to labor, which was valued at \$3,500,000.00; and

**WHEREAS**, pursuant to Resolution 7R11-b adopted on March 5, 2008, the City of Newark accepted responsibility to bear the future cost and expense of maintenance and operation of the system, including the cameras, gunshot detection, and related equipment; and

**WHEREAS**, CFNJ, with the consent of the City of Newark, contracted ShotSpotter Inc., whose offices are located at 1060 Terra Bella Drive, Mountain View, California, 94043-1881, for the installation of the Gunshot Detection & Location System, which installation is complete and the gunshot detection and location system is live and operational; and

**WHEREAS**, the Police Director of Newark Police Department desires to enter into a contract with ShotSpotter, Inc. (hereinafter "ShotSpotter"), for the provision of maintenance services and upgrades of the gunshot detection and location system, which is a proprietary software program, in order to maintain the software's overall operational health, for an amount not to exceed \$370,800.00, for the period commencing on July 1, 2012 and terminating on June 30, 2014; and

**WHEREAS**, this maintenance agreement is essential for the Newark Police Department to continue to assist the City in its efforts to reduce gun violence and overall crime; and

**WHEREAS**, ShotSpotter 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 Police Director certifies is essential and necessary for the conduct of its affairs (*N.J.S.A. 40A:11-2(39)*); and

**WHEREAS**, pursuant to the Local Public Contracts Law *N.J.S.A. 40A:11-5(1)(dd)* such a contract for proprietary computer system 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**, the Police Director 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**, ShotSpotter has completed and submitted a Business Entity Disclosure Certification, which certifies that ShotSpotter 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 ShotSpotter 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.

**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 Police Director of the Newark Police Department, are authorized to enter into and execute a contract with ShotSpotter Inc., whose office is located at 1060 Terra Bella Drive, Mountain View, California, 94043-1881, for the provision of annual maintenance services and upgrades of the gunshot detection and location system software, which is a proprietary software program, in order to maintain the software's overall operational health, for an amount not to exceed \$370,800.00, for the period commencing on July 1, 2012 and terminating on June 30, 2014.

2. This contract is ratified from July 1, 2012 to the date of adoption of this authorizing resolution.
3. Attached hereto is a partial Comptroller's certification, which states that there are available legally appropriated funds for the purpose set forth hereinabove. Funds for 2013 and 2014 are contingent upon availability and appropriation pursuant to *N.J.A.C. 5:30-5.5(d)(2)*.
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 City of Newark Executive Order MEO-07-0001, effective March 31, 2007.
5. There shall be no advance payments made against this contract in accordance with *N.J.S.A. 40A:5-16*.
6. The Business Entity Disclosure Certification and the Determination of Value are attached in support of this resolution and shall be placed on file with the Office of the City Clerk by the Police Director.
7. A copy of the executed contract shall be filed in the Office of the City Clerk by the Police Director and shall be made available for public inspection.
8. A notice of this action shall be published in the newspaper authorized to publish legal advertisements and as required by law within ten (10) days of the date of adoption.
9. There shall be no amendments or changes to this contract without approval of the Municipal Council.

### **STATEMENT**

This resolution ratifies and authorizes the Mayor and/or his designee, the Police Director of the Newark Police Department, to enter into and execute a contract with ShotSpotter, Inc., whose office is located at 1060 Terra Bella Drive, Mountain View, California, 94043-1881, for the provision of annual maintenance services and upgrades of the gunshot detection and location system, which is a proprietary software program, in order to maintain the software's overall operational health, for an amount not to exceed \$370,800.00, for the period commencing on July 1, 2012 and terminating on June 30, 2014.