



Legislation Details (With Text)

File #: 17-0593 **Version:** 1 **Name:** Contract - Clearview Data Systems (2015 to 2017)
Type: Resolution **Status:** Adopted
File created: 4/3/2017 **In control:** Public Safety
On agenda: 5/17/2017 **Final action:** 5/17/2017
Title: Dept/ Agency: Public Safety/Division of Police
Action: (X) Ratifying (X) Authorizing () Amending
Type of Service: Exception To Public Bidding
Purpose: Support and Maintenance of Proprietary Software and Hardware
Entity Name: Clearview Data Systems, Inc.
Entity Address: 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623
Contract Amount: \$92,612.80
Funding Source: 2016 Budget
Contract Period: April 1, 2015 through March 31, 2017
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:
Contract for proprietary computer system may be awarded as an exception to public bidding pursuant to Local Public Contracts Law N.J.S.A. 40A:11-5(1)(dd)

Sponsors: Council of the Whole

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Code sections:

Date	Ver.	Action By	Action	Result
5/17/2017	1	Municipal Council	Adopt	Pass

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WHEREAS, the Department of Public Safety, Police Division is committed to providing an efficient and effective means to process prisoners, confirm their identities and conduct investigations; and

WHEREAS, the Public Safety Director and the Police Division desire to enter into a contract with Clearview Data Systems, Inc. (hereinafter "Clearview"), whose address is 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623, for the provision of maintenance services and upgrades of the Photomanager Network System, Custom Interface Software, HIDTA, Enforsys and Livescan Software programs, which are proprietary software programs, in order to maintain the software's overall operational health, for an amount not to exceed \$92,612.80, for the period commencing on April 1, 2015 and terminating on March 31, 2017; and

WHEREAS, this maintenance agreement is essential for the Police Division to continue to process prisoners, confirm their identities and conduct investigations; and

WHEREAS, Clearview is an authorized dealer for Data Works Plus Inc. (hereinafter DWP); and

WHEREAS, DWP owns the rights to an automated Photo Manager Identifications System consisting of hardware and software components and is engaged in the business of providing various maintenance services on said hardware and software; and

WHEREAS, Clearview 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 Public Safety 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 Public Safety Director has determined and certified in writing that the value of this contract will not exceed \$92,612.80; 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, Clearview has completed and submitted a Business Entity Disclosure Certification which certifies that Clearview has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract will prohibit Clearview 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 Public Safety Director of the Newark Police Department, are hereby authorized to enter into and execute a contract with Clearview Data Systems, Inc., 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623 for the provision of maintenance services and upgrades of the Photomanager Network System, Custom Interface Software, HIDTA, Enforsys and Livescan Software Programs, which are proprietary software

programs, in order to maintain the software's overall operational health, for an amount not to exceed \$92,612.80, for the period commencing on April 1, 2015 and terminating on March 31, 2017.

2. This contract is ratified from April 1, 2015 to the date of adoption of this authorizing resolution.
3. Attached is a Certification of Funds from the Municipal Comptroller which states that there are available legally appropriated funds for the purpose set forth hereinabove.
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 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 Public Safety Director.
7. A copy of the contract is attached hereto. A duly executed copy of the aforesaid contract shall be filed in the Office of the City Clerk by the Public Safety Director.
8. 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.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Public Safety Director of the Department of Public Safety, to enter into and execute a contract with Clearview Data Systems, Inc., 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623 for the provision of maintenance services and upgrades of the Photomanager Network System, Custom Interface Software, HIDTA, Enforsys and Livescan Software Programs, which are proprietary software programs, in order to maintain the software's overall operational health, for an amount not to exceed \$92,612.80, for the period commencing on April 1, 2015 and terminating on March 31, 2017.