



## Legislation Details (With Text)

**File #:** 22-0127      **Version:** 1      **Name:** Resolution for H & L Systems, Inc. Contract  
**Type:** Resolution      **Status:** Adopted  
**File created:** 1/28/2022      **In control:** Finance  
**On agenda:** 5/24/2022      **Final action:** 5/24/2022

**Title:** Dept./ Agency: Finance  
Action: ☒ Ratifying   ☒ Authorizing   ☐ Amending  
Type of Service: Professional Service Contract  
Purpose: Software Maintenance and Upgrades  
Entity Name: H&L Systems, Inc.  
Entity Address: Toms River, New Jersey 08753-2949  
Contract Amount: Not to exceed \$400,000.00  
Funding Source: 2021 Budget/Department of Finance/NW011-200-2001-96800-B2022  
Contract Period: January 1, 2022 through December 31, 2023  
Contract Basis: ☐ Bid   ☐ State Vendor   ☒ Prof. Ser.   ☐ EUS  
☐ Fair & Open   ☒ No Reportable Contributions   ☐ RFP   ☐ RFQ  
☐ Private Sale   ☐ Grant   ☐ Sub-recipient   ☐ n/a  
Additional Information:

**Sponsors:** Council of the Whole

**Indexes:**

**Code sections:**

| Date      | Ver. | Action By         | Action | Result |
|-----------|------|-------------------|--------|--------|
| 5/24/2022 | 1    | Municipal Council | Adopt  | Pass   |

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**Additional Information:**

**WHEREAS,** the Department of Finance and the Office of the Tax Collector is committed to providing comprehensive and integrated Municipal Revenue Collection software; and

**WHEREAS,** the Directors of the Departments of Finance, Water and Sewer Utilities, and the Office of the Municipal Tax Collector desire to enter into a contract with H&L Systems, Inc., 327 Barcelona Avenue, Toms River, New Jersey 08753-2949, for the provision of support, maintenance

services, and upgrades of the integrated Municipal Revenue Collection software (inclusive of real estate property taxes, tax abatements, special taxes, and Water and Sewer Utility payments), which are propriety software programs, in order to maintain the proprietary 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 January 1, 2022 and terminating on December 31, 2023; and

**WHEREAS**, this support, maintenance and upgrade agreement is essential for the Departments of Finance and Water and Sewer Utilities, and the revenue agencies within these two (2) Departments, to continue to provide a comprehensive, fully integrated Municipal Revenue Collection software system; and

**WHEREAS**, H&L Systems, Inc. owns the rights to this Municipal Revenue Collection software system consisting of proprietary software components and is engaged in the business of providing various goods and services (including work, labor, commodities, equipment, materials and supplies of any tangible or intangible nature) N.J.S.A. 40A:11-2(24) of the proprietary hardware and software; 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 have the exclusive right to make and sell these goods and services, which the Director of Finance certifies is essential and necessary for the conduct of its affairs, pursuant to N.J.S.A. 40A:11-2(39); and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd) such a contract for a proprietary computer system may be awarded as an exception to public bidding because the provision or performance of goods and services is for the support and/or maintenance of proprietary computer hardware and/or software; and

**WHEREAS**, the Directors of the Departments of Finance and Water and Sewer Utilities have determined and certified in writing that the value of this contract will not exceed Four Hundred Thousand Dollars and Zero Cents (\$400,000.00); 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 the Contractor Pay-to-Play Reform Ordinance, 2:4-22C; and

**WHEREAS**, H&L Systems, Inc., has completed and submitted a Business Entity Disclosure Certification, which certifies that H&L Systems, Inc. has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous (1) one year, and this contract will prohibit H&L Systems, Inc. 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 State's Pay-to-Play and the City's Pay-to-Play Ordinance; and

**WHEREAS**, this contract has been determined and certified in writing to have a value in excess of \$17,500.00 and is being awarded as a Non-Fair and Open Contract pursuant to N.J.S.A. 19:44A20.5 et seq.

**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 Directors of the Departments of Finance, Water and Sewer Utilities and the Office of the Municipal Tax Collector are hereby authorized to enter into and execute a contract with H&L Systems, Inc., 327 Barcelona Avenue, Toms River, New Jersey 08753-2949, 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 the proprietary software program, 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, 2022 and terminating on December 31, 2023.
2. Pursuant to N.J.A.C. 5:30-5.5, attached hereto is the Comptroller's Certification, which states that partial funds in the amount of Thirty-Nine Thousand Three Hundred Seventy-Five Dollars and Zero Cents (\$39,375.00) are available in the 2022 Temporary Budget, Business Unit NW011, Dept. 200, Div/Proj. 2001, Account# 96800. The remaining funds will be certified from the 2022/2023 Budget. The Certification shall be filed along with the original Resolution and the executed contract in the Office of the City Clerk.
3. This contract is hereby ratified from January 1, 2022 to the date of adoption of this authorizing Resolution.
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 the Local Public Contracts Law, N.J.S.A. 40A:11-5(dd) because these goods and services are for the support or maintenance of proprietary software and associated services.
5. H&L Systems, Inc., 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 Director of the Departments of Finance and Water and Sewer Utilities 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 is 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. A copy of the contract is attached hereto. The contract contains language prohibiting any contributions in violation of any State or Local Law.
9. Notice of this action shall be published in the newspaper authorized to publish legal advertisements as required by law.

10. 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 Directors of the Departments of Finance, Water and Sewer Utilities and the Office of the Municipal Tax Collector to enter into and execute a contract with H&L Systems, Inc., 327 Barcelona Avenue, Toms River, New Jersey 08753-2949, for the provision of support, maintenance services and upgrades of the integrated municipal revenue collection software (including Real Property Taxes, Special Taxes, Tax Abatement and Water and Sewer accounts) "Tax Office for Windows" which is the proprietary software program, 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, 2022 and terminating on December 31, 2023.