



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 11-1273, **Version:** 1

Dept/ Agency: Law

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

Purpose: Settlement of Civil Litigation

Docket No.: Pre-Suit

Claimant: Amcom Software, Inc.

Claimant's Attorney: none

Attorney's Address: 10400 Yellow Circle Drive, Suite 100, Eden Prairie, MN 55343

Settlement Amount: \$135,360.00

Funding Source: City of Newark 2011 Police Budget

Additional Comments:

WHEREAS, on January 1, 2009, AmCom Software, Inc. ("AmCom") began to provide annual maintenance and support services for the Newark Police Department PC-PSAP (Public Safety Access Point) solution, which includes software, software licensing, hardware, and interfaces to other critical police systems which services continued until July 1, 2010; and

WHEREAS, the twenty-four hours per day/seven days a week annual maintenance which has been provided by AmCom specifically covers the Newark Police Department's essential services for the following: 32 Calltaker workstations, 32 TDD/TTY interfaces and equipment, Support for the CAD interface, Public Automated Location Identification (ALI) Retrieval, Time Synchronization interface between AmCom servers and CAD client machines, 20 Digital Automated Number Identification lines, 1 ANI/ALI printer (support of for 911 hang ups), 66 Block and Patch Panel, Redundant File server, 32 Microsoft SQL Server Licenses, and 32 Hardware Modems; and

WHEREAS, AmCom has invoiced the City in the amount of \$101,020.00, for these services; and

WHEREAS, the parties were unable to enter into a written contract because Amcom was not the holder of a State Contract for these services, its predecessor company Xtend Communications Corporation was still the named entity on the State contract until its recent re-assignment to Amcom, however, all services were provided upon the request of the Newark Police Department because these services are critical to preserve and protect the health, safety and welfare of Newark residents; and

WHEREAS, AmCom has also invoiced the City in the amount of \$34,340.00, a recertification fee,

entitling the City to receive an upgrade of all existing software applications to the latest version and thereby allow Amcom to provide 7 by 24 support as required of a 911 Center, for these services; and

WHEREAS, all services were provided to the satisfaction of the Director of the Newark Police Department and the parties have agreed that it is in the best interests of both parties to enter into this Settlement Agreement to avoid any potential litigations for the sums due and owing for the performance period of January 1, 2009 to July 1, 2010, and the recertification fee for a total settlement amount not to exceed \$135,360.00 (a copy of the demand letter seeking payment and explanation of the dispute is attached hereto); and

WHEREAS, the within settlement and release does not admit nor should it be construed as an admission of liability or violation of any law, statute or regulation or a breach of any duty by the City of Newark, its agents, officers and/or employees whatsoever and is entered into based upon recommendations of counsel and to eliminate all risks and future litigation costs; and

WHEREAS, the Corporation Counsel, based upon all facts and circumstances presented, deems it is in the best interest of the City of Newark to resolve the matter by payment as memorialized in the Settlement Agreement (a copy of which is attached hereto).

NOW, THEREFORE, BE RESOLVED BY MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The Corporation Counsel and/or the Police Director of the Newark Police Department are hereby authorized to execute the Settlement Agreement with AmCom Software, Inc., whose address is 10400 Yellow Circle Drive, Suite 100, Eden Prairie, MN 55343, for the provision of annual maintenance and support services for the Newark Police Department PC-PSAP (Public Safety Access Point) solution, in the amount of \$101,020.00, for the performance period of January 1, 2009 to July 1, 2010, and for the recertification fee in the amount of \$34,340.00, for a total settlement amount not to exceed \$135,360.00.
2. The Director of Finance is hereby authorized and directed to issue a check, upon receipt by the Police Director and the Corporation Counsel of all documents deemed necessary, as follows to:

AmCom Software, Inc., 10400 Yellow Circle Drive, Suite 100, Eden Prairie, MN 55343,
Attention: Cathy Roinas, Accounts Receivable.

3. Annexed hereto is the Certification of the Comptroller of the City of Newark that states that there are available sufficient legally appropriated funds for the purpose set forth hereinabove. A

copy of the Comptroller's Certification shall be filed in the Office of the City Clerk along with this resolution.

4. The Police Director shall file a fully-executed copy of the Settlement Agreement in the Office of the City Clerk.

STATEMENT

This Resolution authorizes the Corporation Counsel and/or the Police Director of the City of Newark Police Department to execute a Settlement Agreement with AmCom Software, Inc., whose address is 10400 Yellow Circle Drive, Suite 100, Eden Prairie, MN 55343, for the provision of annual maintenance and support services for the Newark Police Department PC-PSAP (Public Safety Access Point) solution for the performance period of January 1, 2009 to July 1, 2010 and recertification fee for a total settlement not to exceed \$135,360.00