



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

File #: 13-0690, Version: 1

**Dept/ Agency:** Administration/Office of Management & Budget

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

**Type of Service:** Contract for Maintenance of Proprietary Hardware and Software

**Purpose:** Maintenance, Support and Upgrade of Proprietary complex hardware and software services in connection with the customized T-1 Time Systems

**Entity Name:** Time Systems International, Inc.

**Entity Address:** 142 South Van Brunt Street, Englewood, New Jersey 07631

**Contract Amount:** \$150,000.00

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

**Contract Period:** January 18, 2013 through January 17, 2014

**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 Basis: Local Public Contract Law N.J.S.A. 40A:11-2(39) and N.J.S.A. 40A:11-5(1)(dd)

**No Action Taken 7R1-g 102313**

**WHEREAS**, the City of Newark is in need of maintenance, support and upgrade of complex hardware and software services in connection with the T-1 Time Systems customized for the City of Newark, which Time Systems International, Inc., has represented that they have the exclusive rights to make and sell these services; and

**WHEREAS**, the City of Newark has previously worked with Time Systems International, Inc. in the provision of these services; and

**WHEREAS**, due to the efficient and effective performance of Time Systems International, Inc., as well as the nature of the work performed by the company and the City's ongoing projects, the City of Newark wishes to continue working with Time Systems International, Inc., for maintenance, support and upgrade of complex hardware and software services in connection with the customized T-1 Time Systems, which the Director of the Office of Management and Budget (OMB) certifies is essential in order to conduct its affairs (N.J.S.A. 40A:11-2 (39)); and

**WHEREAS**, the City of Newark wishes to enter into a contract with Time Systems International, Inc., 142 South Van Brunt Street, Englewood, New Jersey 07631, for the provision of maintenance, support and upgrade of complex hardware and software services (T-1 Time Systems customized for the City of Newark) for an amount not to exceed \$150,000.00, for the period commencing January 18, 2013 and terminating on January 17, 2014; and

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

**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 of 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 support or maintenance of proprietary computer hardware and software may be awarded and entered into without public bidding; and

**WHEREAS**, Time Systems International, Inc., has completed and submitted a Business Entity Disclosure Certification, which certifies that Time Systems International, Inc., 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 Time Systems International, Inc., 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 Business Administrator and the Director of the Office of Management and Budget are hereby authorized to enter into a contract with Time Systems International, Inc., 142 South Van Brunt Street, Englewood, New Jersey 07631, for the provision of maintenance, support and upgrade of complex hardware and software services (T-1 Time Systems customized for the City of Newark) for an amount not to exceed \$150,000.00, for the period commencing January 18, 2013 and terminating on January 17, 2014, with an option to renew the contract for an additional one (1) year subject to approval and authorization by the Newark Municipal Council.
2. The Municipal Council hereby ratifies its authorization of the contract between the City of Newark and Time Systems International, Inc., for the period commencing January 18, 2013 through the date of adoption of this authorizing resolution.
3. Attached hereto is a Certification of Funds in the amount \$150,000.00, which states that there are available legally appropriated funds from the temporary budget for the purpose set forth hereinabove. The Comptroller's Certification shall be filed along with the original resolution in the Office of the City Clerk.
4. This contract was 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.

5. Time Systems International, Inc., has completed and submitted a Business Entity Disclosure Certificate, which shall be placed on file with the resolution in the City Clerk's Office, certifying that Time Systems International, Inc., 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 Time Systems International, Inc., from making reportable contributions through the term of contract.
6. The Determination of Value is attached and shall be filed with the Office of City Clerk.
7. There shall be no amendments or changes of this contract without approval of the Newark Municipal Council.
8. There shall be no advance payments on this contract in accordance with N.J.S.A. 40A:5-16.
9. 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.
10. 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 ratifies and authorizes the Mayor and/or his designee, the Business Administrator and the Director of the Office of Management and Budget to enter into a contract with Time Systems International, Inc., 142 South Van Brunt Street, Englewood, New Jersey 07631, for the provision of maintenance, support and upgrade of complex hardware and software services (T-1 Time Systems customized for the City of Newark), for an amount not to exceed \$150,000.00, for the period commencing January 18, 2013 and terminating on January 17, 2014, with an option to renew the contract for an additional one (1) year subject to approval and authorization by the Newark Municipal Council.