



# City of Newark

City Hall  
920 Broad Street  
Newark, New Jersey 07102

## Legislation Text

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File #: 17-0619, Version: 1

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

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

**Type of Service:** Exception to Public Bidding - N.J.S.A. 40A:11-5(1)(dd)

**Purpose:** System Support, Training, Enhancement and Maintenance of proprietary software

**Entity Name:** Scubel, LLC.

**Entity Address:** 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816

**Contract Amount:** \$975,000.00 for Year 1; \$850,000.00 for Year 2

**Funding Source:** 2017 Budget

**Contract Period:** January 1, 2017 through December 31, 2018

**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:**

Year 1: \$975,000.00, inclusive of all actual disbursements for the period of January 1, 2017 through December 31, 2017; and

Year 2: \$850,000.00 inclusive of all actual disbursements for the period of January 1, 2018 through December 31 2018.

**WHEREAS**, the Office of the Business Administrator is committed to providing an efficient and effective enterprise resource planning system to assist in the day-to-day execution and operation of the City's accounting, financial, and human resources functions, including Public Safety; and

**WHEREAS**, the Business Administrator has a need to enter into a contract with Scubel, LLC (hereinafter "Scubel"), 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816, for Implementation, Support, Training, and Maintenance of the PeopleSoft environment with Scubel enhancements in order to maintain the software's overall operational health and functionality for an amount not to exceed \$975,000.00 for the period commencing January 1, 2017 through December 31, 2017, and \$850,000.00 for the period commencing January 1, 2018 through December 31, 2018; and

**WHEREAS**, this maintenance contract is essential for the Business Administrator to provide an enterprise resource planning system for use by City's Finance and Human Resources Departments; and

**WHEREAS**, Scubel, for the past fifteen (15) years has been the functional and technical support of the Peoplesoft environment to create the enterprise resource planning system for the City; and

**WHEREAS**, Scubel, 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 Business Administrator 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 Business Administrator 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**, Scubel, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that Scubel, LLC has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and the contract will prohibit Scubel, LLC from making any reportable contributions through the term of the contract; and

**WHEREAS**, the Director of Finance has certified the partial availability of funds for \$350,000.00 with a Certification of Funds from: Fund 011, Department 200, Division/Project 2001, Account # 96700, is attached hereto; 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 Business Administrator are hereby authorized to enter into and execute a contract with Scubel LLC, 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816, to provide System Support, Training, Enhancement and Maintenance for a proprietary software (Peoplesoft environment with Scubel enhancements), in order to maintain the software’s overall operational health, for an amount not to exceed \$975,000.00 for the period commencing January 1, 2017 through December 31, 2017, and \$850,000.00 for the period commencing January 1, 2018 through December 31, 2018, inclusive of all disbursements.
2. This contract is ratified from January 1, 2017 to the date of adoption of this resolution.
3. Pursuant to *N.J.A.C. 5:30-5(a)*, a Temporary Budget, attached hereto is the Chief Finance Officer’s Certification, which states partial funds in the amount of Three Hundred Fifty

Thousand Dollars and Zero Cents (\$350,000.00) are available in the 2017 Temporary Budget, Fund NW011, Dept. 200, Div./Project 2001, Account # 96700, the balance to be provided in the 2017 Adopted Budget. The Certification shall be filed, along with the original resolution and the executed contract in the Office of the City Clerk.

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 amendments or changes to this contract without approval of the Newark Municipal Council.
6. There shall be no advance payments on this contract in accordance with *N.J.S.A. 40A:5-16*.
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 Office of the Business Administrator.
8. A notice of this action shall be published in a 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, to enter into and execute a contract with Scubel LLC, 197 State Route 18 South, Suite 3000, East Brunswick, New Jersey 08816, for the provision of System Support, Training, Enhancement and Maintenance for an enterprise resource planning system using proprietary software (Scubel enhanced Peoplesoft environment) in order to maintain the software's overall operation health, for an amount not to exceed \$975,000.00 for the period commencing January 1, 2017 through December 31, 2017, and \$850,000.00 for the period commencing January 1, 2018 through December 31, 2018, inclusive of all disbursements.