



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0555, **Version:** 1

Dept/ Agency: Offices of Municipal Council/City Clerk

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

Type of Service: Exception to Public Bidding - N.J.S.A. 40A:11-5 (1)(dd) because these goods and services are for the support or maintenance of proprietary software and associated services

Purpose: To provide the support and maintenance of the proprietary Legistar Legislative Management Software and associated services.

Entity Name: Granicus, Inc.

Entity Address: 707 17th Street, Suite 4000, Denver, Colorado 80202-3432

Contract Amount: Not to exceed \$90,873.24

Funding Source: 2019 Budget/Office of the City Clerk

Contract Period: January 1, 2019 through December 31, 2019

Contract Basis: () Bid () State Vendor () Prof. Ser. () EUS

(X) Non-Fair & Open (X) No Reportable Contributions () RFP () RFQ

() Private Sale () Grant () Sub-recipient () N/A

Additional Information:

Partial Certification of Funds in the amount of \$20,000.00.

WHEREAS, the Office of the City Clerk is committed to providing efficient and effective means to process and maintain the City of Newark's legislation and best practices for the City's administrative and legislative branches in the performance of their duties with continued transparency while performing these functions; and

WHEREAS, the City Clerk has a need to enter into a contract with Granicus Inc., for the provision of hosting, support, upgrades, maintenance and managed services of computer hardware and software of the system known as, Legistar Legislative Management Software, which is a proprietary system, in order to maintain the software's operational health and functionality for an amount not to exceed \$90,873.24, for the period commencing January 1, 2019 through December 31, 2019; and

WHEREAS, this support, maintenance and managed services contract is essential for the City Clerk to continue to provide a fully integrated Workflow and Agenda Management System for use by the Municipal Council and City Departments; and

WHEREAS, Granicus Inc., owns the rights to the Legistar Legislative Management Software System and is engaged in the business of providing various "goods and services" ["...including any work, labor, commodities, equipment, materials or supplies of any tangible or intangible nature..." N.J.S.A. 40A:11-2 (24)] of the proprietary hardware and software; and

WHEREAS, Granicus 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 City Clerk certifies is essential and necessary for the conduct of

its affairs, N.J.S.A. 40A:11-2(39); and

WHEREAS, pursuant to 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 because the provision or performance of goods and service is for the support and maintenance of proprietary computer hardware and software; and

WHEREAS, the City Clerk 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, Granicus Inc., has completed and submitted a Business Entity Disclosure Certification, which certifies that Granicus Inc., has not made any contributions to a political or candidate committee in the previous one (1) year, and that the contract will prohibit Granicus Inc. from making any contributions through the term of this contract; and

WHEREAS, on August 1, 2012, the Newark Municipal Council adopted the Contractor Pay-to-Play Reform Ordinance, 2:4-22C, which forbids, inter alia, the award of a contract to a Business Entity, as defined therein, which has made or solicited political contributions to: (i) a candidate, candidate committee or joint candidates committee of any candidate for elective municipal office in the City of Newark or a holder of public office having ultimate responsibility for the award of a contract; or (ii) to any City of Newark or County of Essex political committee or political party committee; or (iii) to any continuing political committee or political action committee that regularly engages in the support of City of Newark municipal or County of Essex elections and/or City of Newark municipal or County of Essex candidates, candidate committees, joint candidate committees, political committees, political parties, political party committees, (hereinafter "PAC"), in excess of the thresholds specified in subsection (g) within one (1) calendar year immediately preceding the date of the contract or agreement; and

WHEREAS, the Business Entity and any of its' subcontractors, if any, have certified that it is in compliance with the aforementioned Contractor Pay-to-Play Reform Ordinance, 2:4-22C; 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. 19:44A-20.5 et seq.

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

1. The Office of the City Clerk is hereby authorized, on behalf of the City of Newark, to enter into and execute a contract with Granicus Inc., 707 17th Street, Suite 4000, Denver, Colorado 80202, to provide the support and maintenance of the proprietary Legistar Legislative Management Software and associated services in an amount not to exceed \$90,873.24, for the period of January 1, 2019 through December 31, 2019.
2. The Municipal Council ratifies this contract for the period of January 1, 2019 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 \$20,000.00 are available in the 2019 Temporary Budget from account code line: Business Unit NW011, Dept. 020 Div./Proj.0201Activity A, Account#71280, Budget Ref:B2019; the balance to be provided in the 2019 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 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.; the 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 (1)(dd) because these goods and services are for the support or maintenance of proprietary software and associated services.
5. Granicus 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 City Clerk certifies is essential and necessary for the conduct of its' affairs, N.J.S.A. 40A:11-2(39).
6. The contract will contain language prohibiting any contributions in violation of any state or local law.
7. That the Business Entity Disclosure Certification and the Determination of Value be placed on file with this resolution.
8. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk and shall be made available for public inspection.

STATEMENT

This resolution ratifies and authorizes the City Clerk, on behalf of the City of Newark, to enter into and execute a contract with Granicus Inc., 707 17th Street, Suite 4000, Denver, Colorado 80202, for the provision of hosting, support, upgrades, maintenance and managed services of computer hardware and software of the system known as, Legistar Legislative Management Software, which is a proprietary system, in order to maintain the software's operational health and functionality, and associated services for an amount not to exceed \$90,873.24 for the period commencing January 1, 2019 through December 31, 2019.