



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 19-0186, **Version:** 1

Dept/ Agency: Public Safety/ Police Division

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

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

Purpose: To provide support and maintenance of proprietary software and hardware.

Entity Name: Clearview Data Systems, Inc.

Entity Address: 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623

Contract Amount: Not to exceed \$138,872.42

Funding Source: 2019 Budget/Department of Public Safety/Division of Police

Contract Period: April 1, 2018 through March 31, 2020

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:

WHEREAS, the Department of Public Safety, Police Division is committed to providing an efficient and effective means to process prisoners, confirm, their identities and conduct investigation; and

WHEREAS, the Public Safety Director desires to enter into a contract with Clearview Data Systems, Inc. (hereinafter "Clearview"), whose address is 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623, to provide maintenance services and upgrades of the PHOTOMANAGER™, Network System, Custom Interface Software, HIDTA, Enforsys and Livescan Software programs, which are proprietary software programs, in order to maintain the software's overall operational health, for an amount not to exceed \$138,872.42, for the period commencing on April 1, 2018 and terminating on March 31, 2020; and

WHEREAS, this maintenance agreement is essential for the Police Division to continue to process prisoners, and to search and confirm their identities; and

WHEREAS, Clearview is an authorized dealer for Data Works Plus, Inc. (hereinafter DWP);and

WHEREAS, DWP owns the rights to an automatic Photo Manager Identifications System consisting of hardware and software components and is engaged in the business of providing various maintenance services on said hardware and software; and

WHEREAS, Clearview has represented that they are qualified by their training and experience to provide the required services and that they have exclusive right to make and sell these services, which the Public Safety Director 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 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 Public Safety Director has determined and certified in writing that the value of this contract will exceed \$40,000.00; and

WHEREAS, this contract is being awarded pursuant to a “non-fair and open” process pursuant to State Play-to-Play Law N.J.S.A.19:44A-20.5; and

WHEREAS, Clearview has completed and submitted a Business Entity Disclosure Certification which certifies that Clearview has not made any reportable contributions to a political or candidate committee in the City of Newark in the previous one year, and this contract will prohibit Clearview 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 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 Public Safety Director, is authorized to enter into and execute a contract with Clearview Data System, Inc., 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623 for the provision of maintenance services and upgrades of the Photomanager Network system, Custom Interface Software, HIDTA, Enforsys and Livescan Software Programs, which are proprietary software programs, in order to maintain the software’s overall operational health, for an amount not to exceed \$138,872.42, for the period commencing on April 1, 2018 and terminating on March 31, 2020.

2. This contract is ratified from April 1, 2018 to the date of adoption of this authorizing resolution.

3. Attached is a Certification of Funds from the Municipal Comptroller which states that there are available legally appropriated funds in the amount of \$138,872.42 for the purpose set forth herein. Funds are provided for in the Department of Public Safety, Police Division, as follows: Business Unit NW011; Dept 190; Div./ Proj. 1902; Account # 72220; Budget Ref B2019.

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 advance payments made against this contract in accordance with N.J.S.A.40A:5-16.

6. The Business Entity Disclosure Certification and the Determination of Value are attached in support of this Resolution and shall be placed on file with the Office of the City Clerk by the Public

Safety Director.

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 Public Safety Director.

8. Notice of this action shall be published in the newspaper authorized to publish legal advertisements and as required by the law within ten (10) days of the date of adoption.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Public Safety Director, to enter into and execute a contract with Clearview Data Systems, Inc., 728 N. Pleasantburg Drive, Greenville, South Carolina 29607-1623, for the provision of maintenance services and upgrades of the PHOTOMANAGER™, Network System, Custom Interface Software, HIDTA, Enforsys and Livescan Software Programs, which are proprietary software programs, in order to maintain the software's overall operational health, for an amount not to exceed \$138,872.42, for the period commencing on April 1, 2018 and terminating on March 31, 2020.