



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 20-0072, Version: 1

Dept/ Agency: Finance

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

Type of Service: Exception to Public Bidding - Contract for Support and Maintenance of Proprietary Software and Hardware

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

Entity Name: H & L Systems, Inc.

Entity Address: 327 Barcelona Avenue, Toms River, New Jersey 08753-2949

Contract Amount: Not to exceed \$300,000.00 (\$12,500.00 per month)

Funding Source: 2020 Budget/Department of Finance/Business Unit: NW011, Dept. 200, Div./Proj.: 2001, Activity A, Account: #96800, Budget Ref.: B2020

Contract Period: January 1, 2020 through December 31, 2021

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:

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

WHEREAS, the Department of Finance and the Tax Collector's Office is committed to providing a comprehensive and integrated municipal revenue collection software; and

WHEREAS, the Director of Finance and the Municipal Tax Collector desire to enter into a contract with H & L Systems, Inc. (hereinafter "H & L Systems, Inc."), whose address is 327 Barcelona Avenue, Toms River, New Jersey 08753-2949, for the provision of support, maintenance services and upgrades of the integrated municipal revenue collection software (including real estate and special taxes), which are proprietary software programs, in order to maintain the proprietary software's overall operational health, for an amount not to exceed \$300,000.00, for the period commencing on January 1, 2020 and terminating on December 31, 2021; and

WHEREAS, this support, maintenance and upgrade agreement is essential for the Departments of Finance and the agencies within the Department to continue to provide a comprehensive, fully integrated municipal collection software for municipal revenues for use by the Department of Finance and the agencies within the Department; and

WHEREAS, H & L Systems, Inc., owns the rights to a municipal revenue collections system consisting of proprietary software components 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, H & L Systems, 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 Finance Director 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 because 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 Director of Finance has determined and certified in writing that the value of this contract will not exceed \$300,000.00, Business Unit: NW011, Dept. 200, Div./Proj.: 2001, Activity A, Account: #96800, Budget Ref.: B2020; 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 the Contractor Pay-to-Play Reform Ordinance, 2:4-22C; and

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

WHEREAS, on August 1, 2012, the 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 Mayor and/or his designee, the Director of the Department of Finance and/or the Municipal Tax Collector are hereby authorized to enter into and execute a contract with H & L Systems, Inc., whose address is 327 Barcelona Avenue, Toms River, New Jersey 08753-2949, for

the provision of support, maintenance services and upgrades of the integrated municipal revenue collection software (including Real Estate and Special Taxes), "Tax Office for Windows" which is the proprietary software program, in order to maintain the software's overall operational health, for an amount not to exceed \$300,000.00, for the period commencing on January 1, 2020 and terminating on December 31, 2021.

2. This contract is hereby ratified from January 1, 2020 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 for the purpose set forth hereinabove.

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., and the City of Newark 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 (dd) because these goods and services are for the support or maintenance of proprietary software and associated services.

5. H & L Systems, 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 Director of the Department of Finance certifies is essential and necessary for the conduct of its affairs (N.J.S.A. 40A:11-2(39)).

6. There shall be no advance payments made against this contract in accordance with N.J.S.A. 40A:5-16.

7. 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 Director of Finance.

8. 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 Director of Finance and shall be made available for public inspection.

9. The contract will contain language prohibiting any contributions in violation of any State or local law.

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

11. A copy of the executed contract herein authorized shall be filed in the Office of the City Clerk.

STATEMENT

This resolution ratifies and authorizes the Mayor and/or his designee, the Director of the Department of Finance, to enter into and execute a contract with H & L Systems, Inc., 327 Barcelona Avenue, Toms River, New Jersey 08753-2949, for the provision of support, maintenance services and

upgrades of the integrated municipal revenue collection software (including Real Estate and Special Taxes), "Tax Office for Windows" which is the proprietary software program, in order to maintain the software's overall operational health, for an amount not to exceed \$300,000.00, for the period commencing on January 1, 2020 and terminating on December 31, 2021.