



City of Newark

City Hall
920 Broad Street
Newark, New Jersey 07102

Legislation Text

File #: 22-0276, Version: 1

Dept/ Agency: Public Safety/Division of Police

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 \$117,481.74

Funding Source: 2022 Budget/Department of Public Safety, Division of Police/Business Unit NW011; Dept. 190; Div./Proj. 1902; Account #72220; Budget Ref. B2022

Contract Period: April 1, 2022 through March 31, 2024

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

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

() Private Sale () Grant () Sub-recipient (X) N/A Exception to Public Bidding

Additional Information:

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

WHEREAS, the Director of the Department of Public Safety 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 Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Nine Cents (\$56,845.79), for the period of April 1, 2022 through March 31, 2023 and Sixty Thousand Six Hundred Thirty-Five Dollars and Seventy-Four Cents (\$60,635.74) for the period of April 1, 2023 through March 31, 2024; 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 Acting Director of the Department of Public Safety 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 Director the Department of Public Safety has determined and certified in writing and the Municipal Council concurs that the value of this contract will exceed \$15,500.00; 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 is in compliance with Contractor Pay-to-Play Ordinance 2:4-22C.1; 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 (1) year, and this contract will prohibit Clearview from making any reportable contributions through the term of the contract..

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

1. The Mayor of the City of Newark and/or his designee, the Interim Director the Department of Public Safety, is authorized to enter into and execute a contract with Clearview Data System, Inc., of 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 Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Nine Cents (\$56,845.79), for the period of April 1, 2022 through March 31, 2023 and Sixty Thousand Six Hundred Thirty-Five Dollars and Seventy-Four Cents (\$60,635.74) for the period of April 1, 2023 through March 31, 2024.

2. This contract is ratified from April 1, 2022 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 Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Nine Cents (\$56,845.79) 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 B2022.

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 Ordinance 2:4-22C.1.

5. 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 Interim Director of the Department of Public Safety.

6. A duly executed copy of the contract shall be filed in the Office of the City Clerk by the Interim Director of the Department of Public Safety.

7. 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 of the City of Newark and/or his designee, the Interim Director of the Department of Public Safety, to enter into and execute a contract with Clearview Data Systems, Inc., of 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 Fifty-Six Thousand Eight Hundred Forty-Five Dollars and Seventy-Nine Cents (\$56,845.79) and Seventy-Four Cents (\$60,635.74) for the period of April 1, 2023 through March 31, 2024.